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THE PRESIDENTS

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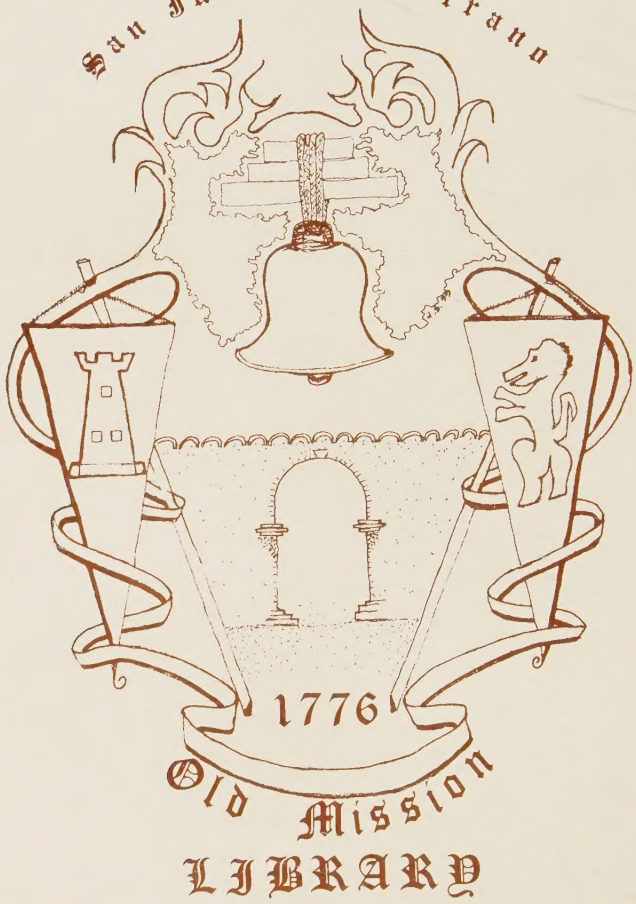

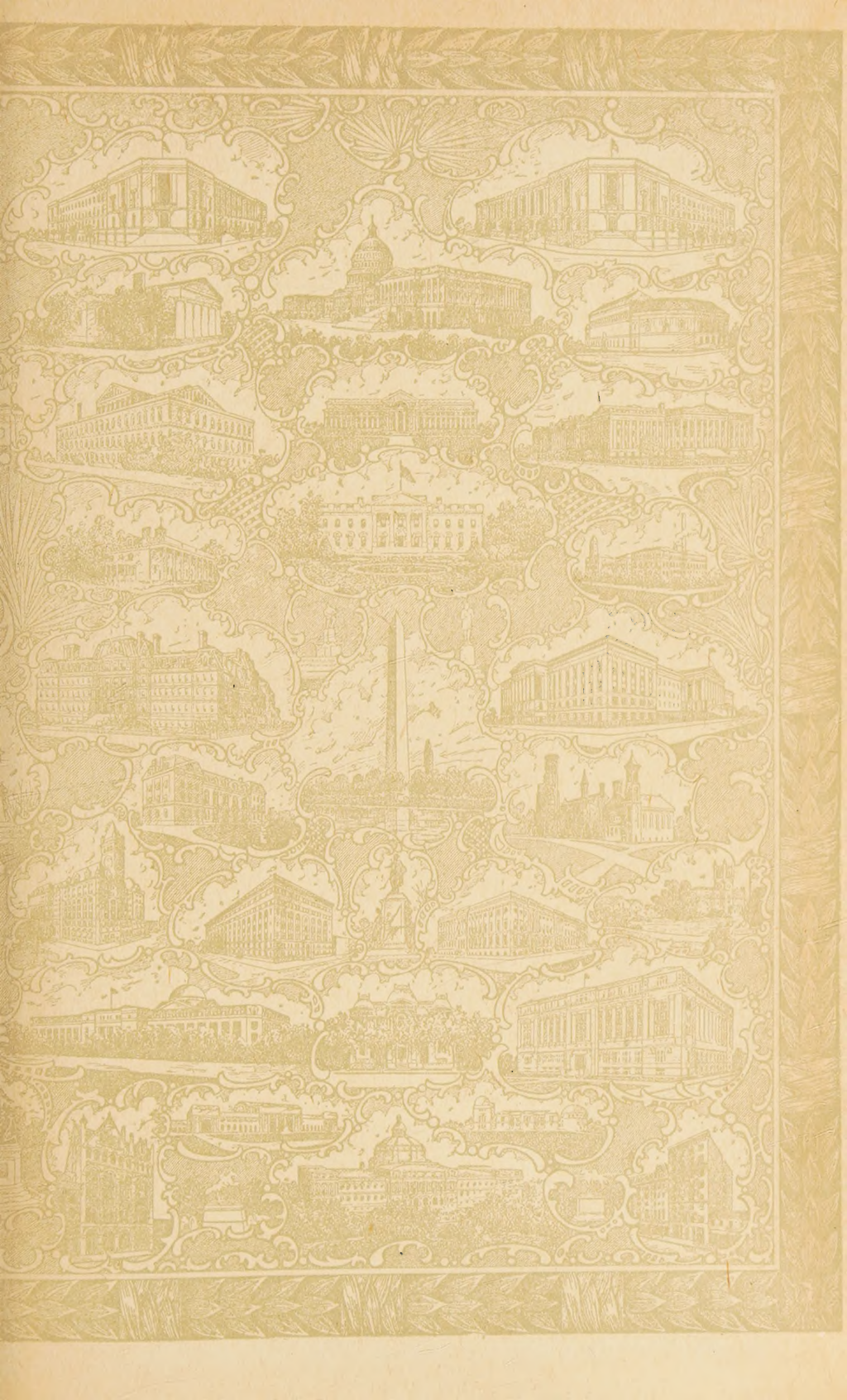

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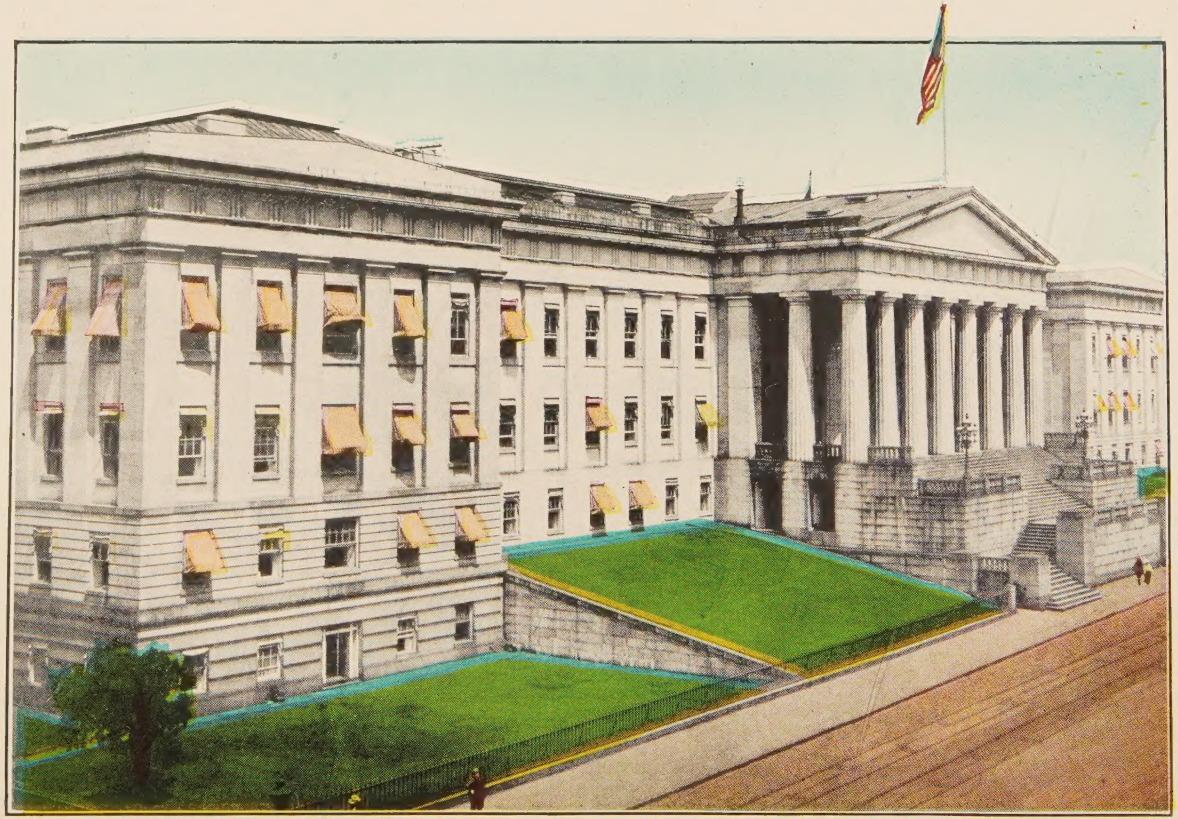

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A COMPILATION

OF THE

MESSAGES AND PAPERS

OF THE

PRESIDENTS

Prepared Under the Direction of the Joint Committee
on Printing, of the House and Senate,
Pursuant to an Act of the Fifty-Second Congress
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ing a law, but the short period of the session which remained afforded me no sufficient opportunity to prepare my objections and communicate them with the bill to the House of Representatives, in which it originated. For this reason the bill was retained, and I deem it proper now to state my objections to it.

Although from the title of the bill it would seem that its main object was to make provision for continuing certain works already commenced in the Territory of Wisconsin, it appears on examination of its provisions that it contains only a single appropriation of $6,000 to be applied within that Territory, while it appropriates more than half a million of dollars for the improvement of numerous harbors and rivers lying within the limits and jurisdiction of several of the States of the Union.

At the preceding session of Congress it became my duty to return with my objections to the House in which it originated a bill making similar appropriations and involving like principles, and the views then expressed remain unchanged.

The circumstances under which this heavy expenditure of public money was proposed were of imposing weight in determining upon its expediency. Congress had recognized the existence of war with Mexico, and to prosecute it to "a speedy and successful termination" had made appropriations exceeding our ordinary revenues. To meet the emergency and provide for the expenses of the Government, a loan of $23,000,000 was authorized at the same session, which has since been negotiated. The practical effect of this bill, had it become a law, would have been to add the whole amount appropriated by it to the national debt. It would, in fact, have made necessary an additional loan to that amount as effectually as if in terms it had required the Secretary of the Treasury to borrow the money therein appropriated. The main question in that aspect is whether it is wise, while all the means and credit of the Government are needed to bring the existing war to an honorable close, to impair the one and endanger the other by borrowing money to be expended in a system of internal improvements capable of an expansion sufficient to swallow up the revenues not only of our own country, but of the civilized world? It is to be apprehended that by entering upon such a career at this moment confidence at home and abroad in the wisdom and prudence of the Government would be so far impaired as to make it difficult, without an immediate resort to heavy taxation, to maintain the public credit and to preserve the honor of the nation and the glory of our arms in prosecuting the existing war to a successful conclusion. Had this bill become a law, it is easy to foresee that largely increased demands upon the Treasury would have been made at each succeeding session of Congress for the improvements of numerous other harbors, bays, inlets, and rivers of equal importance with those embraced by its provisions. Many millions would probably have been added to the necessary amount of the war debt, the annual interest on which must

also have been borrowed, and finally a permanent national debt been fastened on the country and entailed on posterity.

The policy of embarking the Federal Government in a general system of internal improvements had its origin but little more than twenty years ago. In a very few years the applications to Congress for appropriations in furtherance of such objects exceeded $200,000,000. In this alarming crisis President Jackson refused to approve and sign the Maysville road bill, the Wabash River bill, and other bills of similar character. His interposition put a check upon the new policy of throwing the cost of local improvements upon the National Treasury, preserved the revenues of the nation for their legitimate objects, by which he was enabled to extinguish the then existing public debt and to present to an admiring world the unprecedented spectacle in modern times of a nation free from debt and advancing to greatness with unequaled strides under a Government which was content to act within its appropriate sphere in protecting the States and individuals in their own chosen career of improvement and of enterprise. Although the bill under consideration proposes no appropriation for a road or canal, it is not easy to perceive the difference in principle or mischievous tendency between appropriations for making roads and digging canals and appropriations to deepen rivers and improve harbors. All are alike within the limits and jurisdiction of the States, and rivers and harbors alone open an abyss of expenditure sufficient to swallow up the wealth of the nation and load it with a debt which may fetter its energies and tax its industry for ages to come.

The experience of several of the States, as well as that of the United States, during the period that Congress exercised the power of appropriating the public money for internal improvements is full of eloquent warnings. It seems impossible, in the nature of the subject, as connected with local representation, that the several objects presented for improvement shall be weighed according to their respective merits and appropriations confined to those whose importance would justify a tax on the whole community to effect their accomplishment.

In some of the States systems of internal improvements have been projected, consisting of roads and canals, many of which, taken separately, were not of sufficient public importance to justify a tax on the entire population of the State to effect their construction, and yet by a combination of local interests, operating on a majority of the legislature, the whole have been authorized and the States plunged into heavy debts. To an extent so ruinous has this system of legislation been carried in some portions of the Union that the people have found it necessary to their own safety and prosperity to forbid their legislatures, by constitutional restrictions, to contract public debts for such purposes without their immediate consent.

If the abuse of power has been so fatal in the States, where the systems of taxation are direct and the representatives responsible at short

periods to small masses of constituents, how much greater danger of abuse is to be apprehended in the General Government, whose revenues are raised by indirect taxation and whose functionaries are responsible to the people in larger masses and for longer terms.

Regarding only objects of improvement of the nature of those embraced in this bill, how inexhaustible we shall find them. Let the imagination run along our coast from the river St. Croix to the Rio Grande and trace every river emptying into the Atlantic and Gulf of Mexico to its source; let it coast along our lakes and ascend all their tributaries; let it pass to Oregon and explore all its bays, inlets, and streams; and then let it raise the curtain of the future and contemplate the extent of this Republic and the objects of improvement it will embrace as it advances to its high destiny, and the mind will be startled at the immensity and danger of the power which the principle of this bill involves.

Already our Confederacy consists of twenty-nine States. Other States may at no distant period be expected to be formed on the west of our present settlements. We own an extensive country in Oregon, stretching many hundreds of miles from east to west and seven degrees of latitude from south to north. By the admission of Texas into the Union we have recently added many hundreds of miles to our seacoast. In all this vast country, bordering on the Atlantic and Pacific, there are many thousands of bays, inlets, and rivers equally entitled to appropriations for their improvement with the objects embraced in this bill.

We have seen in our States that the interests of individuals or neighborhoods, combining against the general interest, have involved their governments in debts and bankruptcy; and when the system prevailed in the General Government, and was checked by President Jackson, it had begun to be considered the highest merit in a member of Congress to be able to procure appropriations of public money to be expended within his district or State, whatever might be the object. We should be blind to the experience of the past if we did not see abundant evidences that if this system of expenditure is to be indulged in combinations of individual and local interests will be found strong enough to control legislation, absorb the revenues of the country, and plunge the Government into a hopeless indebtedness.

What is denominated a harbor by this system does not necessarily mean a bay, inlet, or arm of the sea on the ocean or on our lake shores, on the margin of which may exist a commercial city or town engaged in foreign or domestic trade, but is made to embrace waters where there is not only no such city or town, but no commerce of any kind. By it a bay or sheet of shoal water is called a *harbor*, and appropriations demanded from Congress to deepen it with a view to draw commerce to it or to enable individuals to build up a town or city on its margin upon speculation and for their own private advantage.

What is denominated a river which may be improved in the system

is equally undefined in its meaning. It may be the Mississippi or it may be the smallest and most obscure and unimportant stream bearing the name of river which is to be found in any State in the Union.

Such a system is subject, moreover, to be perverted to the accomplishment of the worst of political purposes. During the few years it was in full operation, and which immediately preceded the veto of President Jackson of the Maysville road bill, instances were numerous of public men seeking to gain popular favor by holding out to the people interested in particular localities the promise of large disbursements of public money. Numerous reconnoissances and surveys were made during that period for roads and canals through many parts of the Union, and the people in the vicinity of each were led to believe that their property would be enhanced in value and they themselves be enriched by the large expenditures which they were promised by the advocates of the system should be made from the Federal Treasury in their neighborhood. Whole sections of the country were thus sought to be influenced, and the system was fast becoming one not only of profuse and wasteful expenditure, but a potent political engine.

If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes and make harbors where there are none can be denied. If the power to clear out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain head and make them navigable to their sources can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power when an inlet is deep enough to admit a schooner to deepen it still more, so that it will admit ships of heavy burden, and has it not the power when an inlet will admit a boat to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats, and has it no power to improve those which are navigable only for flatboats and barges? May the General Government exercise power and jurisdiction over the soil of a State consisting of rocks and sand bars in the beds of its rivers, and may it not excavate a canal around its waterfalls or across its lands for precisely the same object?

Giving to the subject the most serious and candid consideration of which my mind is capable, I can not perceive any intermediate grounds. The power to improve harbors and rivers for purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canalling, must be admitted without any other limitation than the discretion of Congress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuses is the power thus vested in the General Government! There is not an inlet of the ocean or the Lakes, not a river, creek, or streamlet within the States, which is not brought for this purpose within the power and jurisdiction of the General Government.

Speculation, disguised under the cloak of public good, will call on Congress to deepen shallow inlets, that it may build up new cities on their shores, or to make streams navigable which nature has closed by bars and rapids, that it may sell at a profit its lands upon their banks. To enrich neighborhoods by spending within them the moneys of the nation will be the aim and boast of those who prize their local interests above the good of the nation, and millions upon millions will be abstracted by tariffs and taxes from the earnings of the whole people to foster speculation and subserve the objects of private ambition.

Such a system could not be administered with any approach to equality among the several States and sections of the Union. There is no equality among them in the objects of expenditure, and if the funds were distributed according to the merits of those objects some would be enriched at the expense of their neighbors. But a greater practical evil would be found in the art and industry by which appropriations would be sought and obtained. The most artful and industrious would be the most successful. The true interests of the country would be lost sight of in an annual scramble for the contents of the Treasury, and the Member of Congress who could procure the largest appropriations to be expended in his district would claim the reward of victory from his enriched constituents. The necessary consequence would be sectional discontents and heartburnings, increased taxation, and a national debt never to be extinguished.

In view of these portentous consequences, I can not but think that this course of legislation should be arrested, even were there nothing to forbid it in the fundamental laws of our Union. This conclusion is fortified by the fact that the Constitution itself indicates a process by which harbors and rivers within the States may be improved—a process not susceptible of the abuses necessarily to flow from the assumption of the power to improve them by the General Government, just in its operation, and actually practiced upon, without complaint or interruption, during more than thirty years from the organization of the present Government.

The Constitution provides that "no State shall, without the consent of Congress, lay any duty of tonnage." With the "consent" of Congress, such duties may be levied, collected, and expended by the States. We are not left in the dark as to the objects of this reservation of power to the States. The subject was fully considered by the Convention that framed the Constitution. It appears in Mr. Madison's report of the proceedings of that body that one object of the reservation was that the States should not be restrained from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates, and among them the support of seamen. Mr. Madison, treating on this subject in the Federalist, declares that—

The restraint on the power of the States over imports and exports is enforced by all the arguments which prove the necessity of submitting the regulation of trade to

the Federal councils. It is needless, therefore, to remark further on this head than that the manner in which the restraint is qualified seems well calculated at once to secure to the States a reasonable discretion in providing for the conveniency of their imports and exports, and to the United States a reasonable check against the abuse of this discretion.

The States may lay tonnage duties for clearing harbors, improving rivers, or for other purposes, but are restrained from abusing the power, because before such duties can take effect the "consent" of Congress must be obtained. Here is a safe provision for the improvement of harbors and rivers in the reserved powers of the States and in the aid they may derive from duties of tonnage levied with the consent of Congress. Its safeguards are, that both the State legislatures and Congress have to concur in the act of raising the funds; that they are in every instance to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure, being in the hands of those who are to pay the money and be immediately benefited, will be more carefully managed and more productive of good than if the funds were drawn from the National Treasury and disbursed by the officers of the General Government; that such a system will carry with it no enlargement of Federal power and patronage, and leave the States to be the sole judges of their own wants and interests, with only a conservative negative in Congress upon any abuse of the power which the States may attempt.

Under this wise system the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present Constitution. Many acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, it may be instructive to refer to some of them, as illustrative of the mode of improving harbors and rivers in the early periods of our Government, as to the constitutionality of which there can be no doubt.

In January, 1790, the State of Rhode Island passed a law levying a tonnage duty on vessels arriving in the port of Providence, "for the purpose of clearing and deepening the channel of Providence River and making the same more navigable."

On the 2d of February, 1798, the State of Massachusetts passed a law levying a tonnage duty on all vessels, whether employed in the foreign or coasting trade, which might enter into the Kennebunk River, for the improvement of the same by "rendering the passage in and out of said river less difficult and dangerous."

On the 1st of April, 1805, the State of Pennsylvania passed a law levying a tonnage duty on vessels, "to remove the obstructions to the navigation of the river Delaware below the city of Philadelphia."

On the 23d of January, 1804, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of James River."

On the 22d of February, 1826, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of James River from Warwick to Rocketts Landing."

On the 8th of December, 1824, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of Appomattox River from Pocahontas Bridge to Broadway."

In November, 1821, the State of North Carolina passed a law levying a tonnage duty on vessels, "for the purpose of opening an inlet at the lower end of Albemarle Sound, near a place called Nags Head, and improving the navigation of said sound, with its branches;" and in November, 1828, an amendatory law was passed.

On the 21st of December, 1804, the State of South Carolina passed a law levying a tonnage duty, for the purpose of "building a marine hospital in the vicinity of Charleston," and on the 17th of December, 1816, another law was passed by the legislature of that State for the "maintenance of a marine hospital."

On the 10th of February, 1787, the State of Georgia passed a law levying a tonnage duty on all vessels entering into the port of Savannah, for the purpose of "clearing" the Savannah River of "wrecks and other obstructions" to the navigation.

On the 12th of December, 1804, the State of Georgia passed a law levying a tonnage duty on vessels, "to be applied to the payment of the fees of the harbor master and health officer of the ports of Savannah and St. Marys."

In April, 1783, the State of Maryland passed a law laying a tonnage duty on vessels, for the improvement of the "basin" and "harbor" of Baltimore and the "river Patapsco."

On the 26th of December, 1791, the State of Maryland passed a law levying a tonnage duty on vessels, for the improvement of the "harbor and port of Baltimore."

On the 28th of December, 1793, the State of Maryland passed a law authorizing the appointment of a health officer for the port of Baltimore, and laying a tonnage duty on vessels to defray the expenses.

Congress has passed many acts giving its "consent" to these and other State laws, the first of which is dated in 1790 and the last in 1843. By the latter act the "consent" of Congress was given to the law of the legislature of the State of Maryland laying a tonnage duty on vessels for the improvement of the harbor of Baltimore, and continuing it in force until the 1st day of June, 1850. I transmit herewith copies of such of the acts of the legislatures of the States on the subject, and also the acts of Congress giving its "consent" thereto, as have been collated.

That the power was constitutionally and rightfully exercised in these cases does not admit of a doubt

The injustice and inequality resulting from conceding the power to both Governments is illustrated by several of the acts enumerated. Take that for the improvement of the harbor of Baltimore. That improvement is paid for exclusively by a tax on the commerce of that city, but if an appropriation be made from the National Treasury for the improvement of the harbor of Boston it must be paid in part out of taxes levied on the commerce of Baltimore. The result is that the commerce of Baltimore pays the full cost of the harbor improvement designed for its own benefit, and in addition contributes to the cost of all other harbor and river improvements in the Union. The facts need but be stated to prove the inequality and injustice which can not but flow from the practice embodied in this bill. Either the subject should be left as it was during the first third of a century, or the practice of levying tonnage duties by the States should be abandoned altogether and all harbor and river improvements made under the authority of the United States, and by means of direct appropriations. In view not only of the constitutional difficulty, but as a question of policy, I am clearly of opinion that the whole subject should be left to the States, aided by such tonnage duties on vessels navigating their waters as their respective legislatures may think proper to propose and Congress see fit to sanction. This "consent" of Congress would never be refused in any case where the duty proposed to be levied by the State was reasonable and where the object of improvement was one of importance. The funds required for the improvement of harbors and rivers may be raised in this mode, as was done in the earlier periods of the Government, and thus avoid a resort to a strained construction of the Constitution not warranted by its letter. If direct appropriations be made of the money in the Federal Treasury for such purposes, the expenditures will be unequal and unjust. The money in the Federal Treasury is paid by a tax on the whole people of the United States, and if applied to the purposes of improving harbors and rivers it will be partially distributed and be expended for the advantage of particular States, sections, or localities at the expense of others.

By returning to the early and approved construction of the Constitution and to the practice under it this inequality and injustice will be avoided and at the same time all the really important improvements be made, and, as our experience has proved, be better made and at less cost than they would be by the agency of officers of the United States. The interests benefited by these improvements, too, would bear the cost of making them, upon the same principle that the expenses of the Post-Office establishment have always been defrayed by those who derive benefits from it. The power of appropriating money from the Treasury for such improvements was not claimed or exercised for more than thirty years after the organization of the Government in 1789, when a more latitudinous construction was indicated, though it was not broadly asserted and exercised until 1825. Small appropriations were first made

in 1820 and 1821 for surveys. An act was passed on the 3d of March, 1823, authorizing the President to "cause an examination and survey to be made of the obstructions between the harbor of Gloucester and the harbor of Squam, in the State of Massachusetts," and of "the entrance of the harbor of the port of Presque Isle, in Pennsylvania," with a view to their removal, and a small appropriation was made to pay the necessary expenses. This appears to have been the commencement of harbor improvements by Congress, thirty-four years after the Government went into operation under the present Constitution. On the 30th of April, 1824, an act was passed making an appropriation of $30,000, and directing "surveys and estimates to be made of the routes of such roads and canals" as the President "may deem of national importance in a commercial or military point of view or necessary for the transportation of the mails." This act evidently looked to the adoption of a general system of internal improvements, to embrace roads and canals as well as harbors and rivers. On the 26th May, 1824, an act was passed making appropriations for "deepening the channel leading into the harbor of Presque Isle, in the State of Pennsylvania," and to "repair Plymouth Beach, in the State of Massachusetts, and thereby prevent the harbor at that place from being destroyed."

President Monroe yielded his approval to these measures, though he entertained, and had, in a message to the House of Representatives on the 4th of May, 1822, expressed, the opinion that the Constitution had not conferred upon Congress the power to "adopt and execute a system of internal improvements." He placed his approval upon the ground, not that Congress possessed the power to "adopt and execute" such a system by virtue of any or all of the enumerated grants of power in the Constitution, but upon the assumption that the power to make appropriations of the public money was limited and restrained only by the discretion of Congress. In coming to this conclusion he avowed that "in the more early stage of the Government" he had entertained a different opinion. He avowed that his first opinion had been that "as the National Government is a Government of limited powers, it has no right to expend money except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers," and that the power to make appropriations gave to Congress no discretionary authority to apply the public money to any other purposes or objects except to "carry into effect the powers contained in the other grants." These sound views, which Mr. Monroe entertained "in the early stage of the Government," he gave up in 1822, and declared that—

> The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the

establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

But it is impossible to conceive on what principle the power of appropriating public money when in the Treasury can be construed to extend to objects for which the Constitution does not authorize Congress to levy taxes or imposts to raise money. The power of appropriation is but the consequence of the power to raise money; and the true inquiry is whether Congress has the right to levy taxes for the object over which power is claimed.

During the four succeeding years embraced by the Administration of President Adams the power not only to appropriate money, but to apply it, under the direction and authority of the General Government, as well to the construction of roads as to the improvement of harbors and rivers, was fully asserted and exercised.

Among other acts assuming the power was one passed on the 20th of May, 1826, entitled "An act for improving certain harbors and the navigation of certain rivers and creeks, and for authorizing surveys to be made of certain bays, sounds, and rivers therein mentioned." By that act large appropriations were made, which were to be "applied, under the direction of the President of the United States," to numerous improvements in ten of the States. This act, passed thirty-seven years after the organization of the present Government, contained the first appropriation ever made for the improvement of a navigable river, unless it be small appropriations for examinations and surveys in 1820. During the residue of that Administration many other appropriations of a similar character were made, embracing roads, rivers, harbors, and canals, and objects claiming the aid of Congress multiplied without number.

This was the first breach effected in the barrier which the universal opinion of the framers of the Constitution had for more than thirty years thrown in the way of the assumption of this power by Congress. The general mind of Congress and the country did not appreciate the distinction taken by President Monroe between the right to appropriate money for an object and the right to apply and expend it without the embarrassment and delay of applications to the State governments. Probably no instance occurred in which such an application was made, and the flood gates being thus hoisted the principle laid down by him was disregarded, and applications for aid from the Treasury, virtually to make harbors as well as improve them, clear out rivers, cut canals, and construct roads, poured into Congress in torrents until arrested by the veto of President Jackson. His veto of the Maysville road bill was followed up by his refusal to sign the "Act making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, improving harbors, and directing surveys;" "An act authorizing subscriptions for stock in the Louisville and Portland Canal Company ;" "An act for

the improvement of certain harbors and the navigation of certain rivers;" and, finally, "An act to improve the navigation of the Wabash River." In his objections to the act last named he says:

> The desire to embark the Federal Government in works of internal improvement prevailed in the highest degree during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees of Internal Improvements bills containing appropriations for such objects, inclusive of those for the Cumberland road and for harbors and light-houses, to the amount of $106,000,000. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which had been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees and in memorials to Congress presented but not referred different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded $100,000,000.

Thus, within the brief period of less than ten years after the commencement of internal improvements by the General Government the sum asked for from the Treasury for various projects amounted to more than $200,000,000. President Jackson's powerful and disinterested appeals to his country appear to have put down forever the assumption of power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers in any degree navigable within the control of the General Government. But an immense field for expending the public money and increasing the power and patronage of this Government was left open in the concession of even a limited power of Congress to improve harbors and rivers—a field which millions will not fertilize to the satisfaction of those local and speculating interests by which these projects are in general gotten up. There can not be a just and equal distribution of public burdens and benefits under such a system, nor can the States be relieved from the danger of fatal encroachment, nor the United States from the equal danger of consolidation, otherwise than by an arrest of the system and a return to the doctrines and practices which prevailed during the first thirty years of the Government.

How forcibly does the history of this subject illustrate the tendency of power to concentration in the hands of the General Government. The power to improve their own harbors and rivers was clearly reserved to the States, who were to be aided by tonnage duties levied and collected by themselves, with the consent of Congress. For thirty-four years improvements were carried on under that system, and so careful was Congress not to interfere, under any implied power, with the soil or jurisdiction of the States that they did not even assume the power to erect light-houses or build piers without first purchasing the ground, with the consent of the States, and obtaining jurisdiction over it. At length, after

the lapse of thirty-three years, an act is passed providing for the examination of certain obstructions at the mouth of one or two harbors almost unknown. It is followed by acts making small appropriations for the removal of those obstructions. The obstacles interposed by President Monroe, after conceding the power to appropriate, were soon swept away. Congress virtually assumed jurisdiction of the soil and waters of the States, without their consent, for the purposes of internal improvement, and the eyes of eager millions were turned from the State governments to Congress as the fountain whose golden streams were to deepen their harbors and rivers, level their mountains, and fill their valleys with canals. To what consequences this assumption of power was rapidly leading is shown by the veto messages of President Jackson, and to what end it is again tending is witnessed by the provisions of this bill and bills of similar character.

In the proceedings and debates of the General Convention which formed the Constitution and of the State conventions which adopted it nothing is found to countenance the idea that the one intended to propose or the others to concede such a grant of power to the General Government as the building up and maintaining of a system of internal improvements within the States necessarily implies. Whatever the General Government may constitutionally create, it may lawfully protect. If it may make a road upon the soil of the States, it may protect it from destruction or injury by penal laws. So of canals, rivers, and harbors. If it may put a dam in a river, it may protect that dam from removal or injury, in direct opposition to the laws, authorities, and people of the State in which it is situated. If it may deepen a harbor, it may by its own laws protect its agents and contractors from being driven from their work even by the laws and authorities of the State. The power to make a road or canal or to dig up the bottom of a harbor or river implies a right in the soil of the State and a jurisdiction over it, for which it would be impossible to find any warrant.

The States were particularly jealous of conceding to the General Government any right of jurisdiction over their soil, and in the Constitution restricted the exclusive legislation of Congress to such places as might be "purchased with the consent of the States in which the same shall be, for the erection of forts, magazines, dockyards, and other needful buildings." That the United States should be prohibited from purchasing lands within the States without their consent, even for the most essential purposes of national defense, while left at liberty to purchase or seize them for roads, canals, and other improvements of immeasurably less importance, is not to be conceived.

A proposition was made in the Convention to provide for the appointment of a "Secretary of Domestic Affairs," and make it his duty, among other things, "to attend to the opening of roads and navigation and the facilitating communications through the United States." It was referred to a committee, and that appears to have been the last of it. On a subsequent occasion a proposition was made to confer on Congress the power

to "provide for the cutting of canals when deemed necessary," which was rejected by the strong majority of eight States to three. Among the reasons given for the rejection of this proposition, it was urged that "the expense in such cases will fall on the United States and the benefits accrue to the places where the canals may be cut."

During the consideration of this proposition a motion was made to enlarge the proposed power for "cutting canals" into a power "to grant charters of incorporation when the interest of the United States might require and the legislative provisions of the individual States may be incompetent;" and the reason assigned by Mr. Madison for the proposed enlargement of the power was that it would "secure an easy communication between the States, which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones, as far as possible, ought to follow."

The original proposition and all the amendments were rejected, after deliberate discussion, not on the ground, as so much of that discussion as has been preserved indicates, that no direct grant was necessary, but because it was deemed inexpedient to grant it at all. When it is considered that some of the members of the Convention, who afterwards participated in the organization and administration of the Government, advocated and practiced upon a very liberal construction of the Constitution, grasping at many high powers as implied in its various provisions, not one of them, it is believed, at that day claimed the power to make roads and canals, or improve rivers and harbors, or appropriate money for that purpose. Among our early statesmen of the strict-construction class the opinion was universal, when the subject was first broached, that Congress did not possess the power, although some of them thought it desirable.

President Jefferson, in his message to Congress in 1806, recommended an amendment of the Constitution, with a view to apply an anticipated surplus in the Treasury "to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers." And he adds:

> I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.

In 1825 he repeated, in his published letters, the opinion that no such power has been conferred upon Congress.

President Madison, in a message to the House of Representatives of the 3d of March, 1817, assigning his objections to a bill entitled "An act to set apart and pledge certain funds for internal improvements," declares that—

> "The power to regulate commerce among the several States" can not include a power to construct roads and canals and to *improve the navigation of water courses*

in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.

President Monroe, in a message to the House of Representatives of the 4th of May, 1822, containing his objections to a bill entitled "An act for the preservation and repair of the Cumberland road," declares:

Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution, equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted.

If we recur to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the States respectively and the advantages anticipated from the transfer of the power to Congress were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the States individually had commenced a system of restraint on each other whereby the interests of foreign powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign power to countervail the regulations of such power, the next adjoining States imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States; and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself and with it all hope of realizing those blessings which we had anticipated from the glorious Revolution which had been so recently achieved. From this deplorable dilemma, or, rather, certain ruin, we were happily rescued by the adoption of the Constitution.

Among the first and most important effects of this great Revolution was the complete abolition of this pernicious policy. The States were brought together by the Constitution, as to commerce, into one community, equally in regard to foreign nations and each other. The regulations that were adopted regarded us in both respects as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State.

This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781 Congress recommended it to the States to vest in the United States a power to levy a duty of 5 per cent on all goods imported from foreign countries into the United States for the term of fifteen years. In 1783 this recommendation, with alterations as to the kind of duties and an extension of this term to twenty-five years, was repeated and more earnestly urged. In 1784 it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786 a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report a convention was formed at Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present Constitution.

In none of these measures was the subject of internal improvement mentioned or

even glanced at. Those of 1784, 1785, 1786, and 1787, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second no reason has been assigned which appears to have the least weight.

Such is a brief history of the origin, progress, and consequences of a system which for more than thirty years after the adoption of the Constitution was unknown. The greatest embarrassment upon the subject consists in the departure which has taken place from the early construction of the Constitution and the precedents which are found in the legislation of Congress in later years. President Jackson, in his veto of the Wabash River bill, declares that "to inherent embarrassments have been added others resulting from the course of our legislation concerning it." In his vetoes on the Maysville road bill, the Rockville road bill, the Wabash River bill, and other bills of like character he reversed the precedents which existed prior to that time on the subject of internal improvements. When our experience, observation, and reflection have convinced us that a legislative precedent is either unwise or unconstitutional, it should not be followed.

No express grant of this power is found in the Constitution. Its advocates have differed among themselves as to the source from which it is derived as an incident. In the progress of the discussions upon this subject the power to regulate commerce seems now to be chiefly relied upon, especially in reference to the improvement of harbors and rivers.

In relation to the regulation of commerce, the language of the grant in the Constitution is:

> Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

That to "regulate commerce" does not mean to make a road, or dig a canal, or clear out a river, or deepen a harbor would seem to be obvious to the common understanding. To "regulate" admits or affirms the preexistence of the thing to be regulated. In this case it presupposes the existence of commerce, and, of course, the means by which and the channels through which commerce is carried on. It confers no creative power; it only assumes control over that which may have been brought into existence through other agencies, such as State legislation and the industry and enterprise of individuals. If the definition of the word "regulate" is to include the provision of means to carry on commerce, then have Congress not only power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehicles, all of which are necessary to commerce. There is no

middle ground. If the power to regulate can be legitimately construed into a power to create or facilitate, then not only the bays and harbors, but the roads and canals and all the means of transporting merchandise among the several States, are put at the disposition of Congress. This power to regulate commerce was construed and exercised immediately after the adoption of the Constitution, and has been exercised to the present day, by prescribing general rules by which commerce should be conducted. With foreign nations it has been regulated by treaties defining the rights of citizens and subjects, as well as by acts of Congress imposing duties and restrictions embracing vessels, seamen, cargoes, and passengers. It has been regulated among the States by acts of Congress relating to the coasting trade and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon internal trade. It has been regulated with the Indian tribes by our intercourse laws, prescribing the manner in which it shall be carried on. Thus each branch of this grant of power was exercised soon after the adoption of the Constitution, and has continued to be exercised to the present day. If a more extended construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the power other than the will and discretion of Congress. It sweeps into the vortex of national power and jurisdiction not only harbors and inlets, rivers and little streams, but canals, turnpikes, and railroads—every species of improvement which can facilitate or create trade and intercourse "with foreign nations, and among the several States, and with the Indian tribes."

Should any great object of improvement exist in our widely extended country which can not be effected by means of tonnage duties levied by the States with the concurrence of Congress, it is safer and wiser to apply to the States in the mode prescribed by the Constitution for an amendment of that instrument whereby the powers of the General Government may be enlarged, with such limitations and restrictions as experience has shown to be proper, than to assume and exercise a power which has not been granted, or which may be regarded as doubtful in the opinion of a large portion of our constituents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson, and I fully concur with them in opinion. If an enlargement of power should be deemed proper, it will unquestionably be granted by the States; if otherwise, it will be withheld; and in either case their decision should be final. In the meantime I deem it proper to add that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this Government and the happiness of the millions over whom it spreads its protection will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the Constitution.

JAMES K. POLK.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic was concluded and signed at the city of Guadalupe Hidalgo on the 2d day of February, 1848, which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows:

[Here follows the treaty.]

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Queretaro on the 30th day of May last by Ambrose H. Sevier and Nathan Clifford, commissioners on the part of the Government of the United States, and by Señor Don Luis de la Rosa, minister of relations of the Mexican Republic, on the part of that Government:

Now, therefore, be it known that I, James K. Polk, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 4th day of July, 1848, and of the Independence of the United States the seventy-third.

JAMES K. POLK.

By the President:

JAMES BUCHANAN, *Secretary of State.*

EXECUTIVE ORDER.

GENERAL ORDERS, No. 9.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 24, 1848.

I. The following orders of the President of the United States and Secretary of War announce to the Army the death of the illustrious ex-President John Quincy Adams:

BY THE PRESIDENT OF THE UNITED STATES.

WASHINGTON, *February 24, 1848.*

It has pleased Divine Providence to call hence a great and patriotic citizen. John Quincy Adams is no more. At the advanced age of more

than fourscore years, he was suddenly stricken from his seat in the House of Representatives by the hand of disease on the 21st, and expired in the Capitol a few minutes after 7 o'clock on the evening of the 23d of February, 1848.

He had for more than half a century filled the most important public stations, and among them that of President of the United States. The two Houses of Congress, of one of which he was a venerable and most distinguished member, will doubtless prescribe appropriate ceremonies to be observed as a mark of respect for the memory of this eminent citizen.

The nation mourns his loss; and as a further testimony of respect for his memory I direct that all the executive offices at Washington be placed in mourning and that all business be suspended during this day and to-morrow.

JAMES K. POLK.

WAR DEPARTMENT, *February 24, 1848.*

The President of the United States with deep regret announces to the Army the death of John Quincy Adams, our eminent and venerated fellow-citizen.

While occupying his seat as a member of the House of Representatives, on the 21st instant he was suddenly prostrated by disease, and on the 23d expired, without having been removed from the Capitol. He had filled many honorable and responsible stations in the service of his country, and among them that of President of the United States; and he closed his long and eventful life in the actual discharge of his duties as one of the Representatives of the people.

From sympathy with his relatives and the American people for his loss and from respect for his distinguished public services, the President orders that funeral honors shall be paid to his memory at each of the military stations.

The Adjutant-General will give the necessary instructions for carrying into effect the foregoing orders.

W. L. MARCY,
Secretary of War.

II. On the day succeeding the arrival of this general order at each military post the troops will be paraded at 10 o'clock a. m. and the order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards, at intervals of thirty minutes between the rising and setting sun, a single gun, and at the close of the day a national salute of twenty-nine guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of six months.

By order:

R. JONES,
Adjutant-General.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 5, 1848.*

Fellow-Citizens of the Senate and of the House of Representatives:

Under the benignant providence of Almighty God the representatives of the States and of the people are again brought together to deliberate for the public good. The gratitude of the nation to the Sovereign Arbiter of All Human Events should be commensurate with the boundless blessings which we enjoy.

Peace, plenty, and contentment reign throughout our borders, and our beloved country presents a sublime moral spectacle to the world.

The troubled and unsettled condition of some of the principal European powers has had a necessary tendency to check and embarrass trade and to depress prices throughout all commercial nations, but notwithstanding these causes, the United States, with their abundant products, have felt their effects less severely than any other country, and all our great interests are still prosperous and successful.

In reviewing the great events of the past year and contrasting the agitated and disturbed state of other countries with our own tranquil and happy condition, we may congratulate ourselves that we are the most favored people on the face of the earth. While the people of other countries are struggling to establish free institutions, under which man may govern himself, we are in the actual enjoyment of them—a rich inheritance from our fathers. While enlightened nations of Europe are convulsed and distracted by civil war or intestine strife, we settle all our political controversies by the peaceful exercise of the rights of freemen at the ballot box.

The great republican maxim, so deeply engraven on the hearts of our people, that the will of the majority, constitutionally expressed, shall prevail, is our sure safeguard against force and violence. It is a subject of just pride that our fame and character as a nation continue rapidly to advance in the estimation of the civilized world.

To our wise and free institutions it is to be attributed that while other nations have achieved glory at the price of the suffering, distress, and impoverishment of their people, we have won our honorable position in the midst of an uninterrupted prosperity and of an increasing individual comfort and happiness.

I am happy to inform you that our relations with all nations are friendly and pacific. Advantageous treaties of commerce have been concluded within the last four years with New Granada, Peru, the Two Sicilies, Belgium, Hanover, Oldenburg, and Mecklenburg-Schwerin. Pursuing our example, the restrictive system of Great Britain, our principal foreign customer, has been relaxed, a more liberal commercial policy has

been adopted by other enlightened nations, and our trade has been greatly enlarged and extended. Our country stands higher in the respect of the world than at any former period. To continue to occupy this proud position, it is only necessary to preserve peace and faithfully adhere to the great and fundamental principle of our foreign policy of noninterference in the domestic concerns of other nations. We recognize in all nations the right which we enjoy ourselves, to change and reform their political institutions according to their own will and pleasure. Hence we do not look behind existing governments capable of maintaining their own authority. We recognize all such actual governments, not only from the dictates of true policy, but from a sacred regard for the independence of nations. While this is our settled policy, it does not follow that we can ever be indifferent spectators of the progress of liberal principles. The Government and people of the United States hailed with enthusiasm and delight the establishment of the French Republic, as we now hail the efforts in progress to unite the States of Germany in a confederation similar in many respects to our own Federal Union. If the great and enlightened German States, occupying, as they do, a central and commanding position in Europe, shall succeed in establishing such a confederated government, securing at the same time to the citizens of each State local governments adapted to the peculiar condition of each, with unrestricted trade and intercourse with each other, it will be an important era in the history of human events. Whilst it will consolidate and strengthen the power of Germany, it must essentially promote the cause of peace, commerce, civilization, and constitutional liberty throughout the world.

With all the Governments on this continent our relations, it is believed, are now on a more friendly and satisfactory footing than they have ever been at any former period.

Since the exchange of ratifications of the treaty of peace with Mexico our intercourse with the Government of that Republic has been of the most friendly character. The envoy extraordinary and minister plenipotentiary of the United States to Mexico has been received and accredited, and a diplomatic representative from Mexico of similar rank has been received and accredited by this Government The amicable relations between the two countries, which had been suspended, have been happily restored, and are destined, I trust, to be long preserved. The two Republics, both situated on this continent, and with coterminous territories, have every motive of sympathy and of interest to bind them together in perpetual amity.

This gratifying condition of our foreign relations renders it unnecessary for me to call your attention more specifically to them.

It has been my constant aim and desire to cultivate peace and commerce with all nations. Tranquillity at home and peaceful relations abroad constitute the true permanent policy of our country. War, the

scourge of nations, sometimes becomes inevitable, but is always to be avoided when it can be done consistently with the rights and honor of a nation.

One of the most important results of the war into which we were recently forced with a neighboring nation is the demonstration it has afforded of the military strength of our country. Before the late war with Mexico European and other foreign powers entertained imperfect and erroneous views of our physical strength as a nation and of our ability to prosecute war, and especially a war waged out of our own country. They saw that our standing Army on the peace establishment did not exceed 10,000 men. Accustomed themselves to maintain in peace large standing armies for the protection of thrones against their own subjects, as well as against foreign enemies, they had not conceived that it was possible for a nation without such an army, well disciplined and of long service, to wage war successfully. They held in low repute our militia, and were far from regarding them as an effective force, unless it might be for temporary defensive operations when invaded on our own soil. The events of the late war with Mexico have not only undeceived them, but have removed erroneous impressions which prevailed to some extent even among a portion of our own countrymen. That war has demonstrated that upon the breaking out of hostilities not anticipated, and for which no previous preparation had been made, a volunteer army of citizen soldiers equal to veteran troops, and in numbers equal to any emergency, can in a short period be brought into the field. Unlike what would have occurred in any other country, we were under no necessity of resorting to drafts or conscriptions. On the contrary, such was the number of volunteers who patriotically tendered their services that the chief difficulty was in making selections and determining who should be disappointed and compelled to remain at home. Our citizen soldiers are unlike those drawn from the population of any other country. They are composed indiscriminately of all professions and pursuits—of farmers, lawyers, physicians, merchants, manufacturers, mechanics, and laborers—and this not only among the officers, but the private soldiers in the ranks. Our citizen soldiers are unlike those of any other country in other respects. They are armed, and have been accustomed from their youth up to handle and use firearms, and a large proportion of them, especially in the Western and more newly settled States, are expert marksmen. They are men who have a reputation to maintain at home by their good conduct in the field. They are intelligent, and there is an individuality of character which is found in the ranks of no other army. In battle each private man, as well as every officer, fights not only for his country, but for glory and distinction among his fellow-citizens when he shall return to civil life.

The war with Mexico has demonstrated not only the ability of the Government to organize a numerous army upon a sudden call, but also

to provide it with all the munitions and necessary supplies with dispatch, convenience, and ease, and to direct its operations with efficiency. The strength of our institutions has not only been displayed in the valor and skill of our troops engaged in active service in the field, but in the organization of those executive branches which were charged with the general direction and conduct of the war. While too great praise can not be bestowed upon the officers and men who fought our battles, it would be unjust to withhold from those officers necessarily stationed at home, who were charged with the duty of furnishing the Army in proper time and at proper places with all the munitions of war and other supplies so necessary to make it efficient, the commendation to which they are entitled. The credit due to this class of our officers is the greater when it is considered that no army in ancient or modern times was ever better appointed or provided than our Army in Mexico. Operating in an enemy's country, removed 2,000 miles from the seat of the Federal Government, its different corps spread over a vast extent of territory, hundreds and even thousands of miles apart from each other, nothing short of the untiring vigilance and extraordinary energy of these officers could have enabled them to provide the Army at all points and in proper season with all that was required for the most efficient service.

It is but an act of justice to declare that the officers in charge of the several executive bureaus, all under the immediate eye and supervision of the Secretary of War, performed their respective duties with ability, energy, and efficiency. They have reaped less of the glory of the war, not having been personally exposed to its perils in battle, than their companions in arms; but without their forecast, efficient aid, and cooperation those in the field would not have been provided with the ample means they possessed of achieving for themselves and their country the unfading honors which they have won for both.

When all these facts are considered, it may cease to be a matter of so much amazement abroad how it happened that our noble Army in Mexico, regulars and volunteers, were victorious upon every battlefield, however fearful the odds against them.

The war with Mexico has thus fully developed the capacity of republican governments to prosecute successfully a just and necessary foreign war with all the vigor usually attributed to more arbitrary forms of government. It has been usual for writers on public law to impute to republics a want of that unity, concentration of purpose, and vigor of execution which are generally admitted to belong to the monarchical and aristocratic forms; and this feature of popular government has been supposed to display itself more particularly in the conduct of a war carried on in an enemy's territory. The war with Great Britain in 1812 was to a great extent confined within our own limits, and shed but little light on this subject; but the war which we have just closed by an honorable peace evinces beyond all doubt that a popular representative government is equal to any emergency which is likely to arise in the affairs of a nation.

The war with Mexico has developed most strikingly and conspicuously another feature in our institutions. It is that without cost to the Government or danger to our liberties we have in the bosom of our society of freemen, available in a just and necessary war, virtually a standing army of 2,000,000 armed citizen soldiers, such as fought the battles of Mexico. But our military strength does not consist alone in our capacity for extended and successful operations on land. The Navy is an important arm of the national defense. If the services of the Navy were not so brilliant as those of the Army in the late war with Mexico, it was because they had no enemy to meet on their own element. While the Army had opportunity of performing more conspicuous service, the Navy largely participated in the conduct of the war. Both branches of the service performed their whole duty to the country. For the able and gallant services of the officers and men of the Navy, acting independently as well as in cooperation with our troops, in the conquest of the Californias, the capture of Vera Cruz, and the seizure and occupation of other important positions on the Gulf and Pacific coasts, the highest praise is due. Their vigilance, energy, and skill rendered the most effective service in excluding munitions of war and other supplies from the enemy, while they secured a safe entrance for abundant supplies for our own Army. Our extended commerce was nowhere interrupted, and for this immunity from the evils of war the country is indebted to the Navy.

High praise is due to the officers of the several executive bureaus, navy-yards, and stations connected with the service, all under the immediate direction of the Secretary of the Navy, for the industry, foresight, and energy with which everything was directed and furnished to give efficiency to that branch of the service. The same vigilance existed in directing the operations of the Navy as of the Army. There was concert of action and of purpose between the heads of the two arms of the service. By the orders which were from time to time issued, our vessels of war on the Pacific and the Gulf of Mexico were stationed in proper time and in proper positions to cooperate efficiently with the Army. By this means their combined power was brought to bear successfully on the enemy.

The great results which have been developed and brought to light by this war will be of immeasurable importance in the future progress of our country. They will tend powerfully to preserve us from foreign collisions, and to enable us to pursue uninterruptedly our cherished policy of "peace with all nations, entangling alliances with none."

Occupying, as we do, a more commanding position among nations than at any former period, our duties and our responsibilities to ourselves and to posterity are correspondingly increased. This will be the more obvious when we consider the vast additions which have been recently made to our territorial possessions and their great importance and value.

Within less than four years the annexation of Texas to the Union has

been consummated; all conflicting title to the Oregon Territory south of the forty-ninth degree of north latitude, being all that was insisted on by any of my predecessors, has been adjusted, and New Mexico and Upper California have been acquired by treaty. The area of these several Territories, according to a report carefully prepared by the Commissioner of the General Land Office from the most authentic information in his possession, and which is herewith transmitted, contains 1,193,061 square miles, or 763,559,040 acres; while the area of the remaining twenty-nine States and the territory not yet organized into States east of the Rocky Mountains contains 2,059,513 square miles, or 1,318,126,058 acres. These estimates show that the territories recently acquired, and over which our exclusive jurisdiction and dominion have been extended, constitute a country more than half as large as all that which was held by the United States before their acquisition. If Oregon be excluded from the estimate, there will still remain within the limits of Texas, New Mexico, and California 851,598 square miles, or 545,012,720 acres, being an addition equal to more than one-third of all the territory owned by the United States before their acquisition, and, including Oregon, nearly as great an extent of territory as the whole of Europe, Russia only excepted. The Mississippi, so lately the frontier of our country, is now only its center. With the addition of the late acquisitions, the United States are now estimated to be nearly as large as the whole of Europe. It is estimated by the Superintendent of the Coast Survey in the accompanying report that the extent of the seacoast of Texas on the Gulf of Mexico is upward of 400 miles; of the coast of Upper California on the Pacific, of 970 miles, and of Oregon, including the Straits of Fuca, of 650 miles, making the whole extent of seacoast on the Pacific 1,620 miles and the whole extent on both the Pacific and the Gulf of Mexico 2,020 miles. The length of the coast on the Atlantic from the northern limits of the United States around the capes of Florida to the Sabine, on the eastern boundary of Texas, is estimated to be 3,100 miles; so that the addition of seacoast, including Oregon, is very nearly two-thirds as great as all we possessed before, and, excluding Oregon, is an addition of 1,370 miles, being nearly equal to one-half of the extent of coast which we possessed before these acquisitions. We have now three great maritime fronts—on the Atlantic, the Gulf of Mexico, and the Pacific—making in the whole an extent of seacoast exceeding 5,000 miles. This is the extent of the seacoast of the United States, not including bays, sounds, and small irregularities of the main shore and of the sea islands. If these be included, the length of the shore line of coast, as estimated by the Superintendent of the Coast Survey in his report, would be 33,063 miles.

It would be difficult to calculate the value of these immense additions to our territorial possessions. Texas, lying contiguous to the western boundary of Louisiana, embracing within its limits a part of the navigable tributary waters of the Mississippi and an extensive seacoast, could

not long have remained in the hands of a foreign power without endangering the peace of our southwestern frontier. Her products in the vicinity of the tributaries of the Mississippi must have sought a market through these streams, running into and through our territory, and the danger of irritation and collision of interests between Texas as a foreign state and ourselves would have been imminent, while the embarrassments in the commercial intercourse between them must have been constant and unavoidable. Had Texas fallen into the hands or under the influence and control of a strong maritime or military foreign power, as she might have done, these dangers would have been still greater. They have been avoided by her voluntary and peaceful annexation to the United States. Texas, from her position, was a natural and almost indispensable part of our territories. Fortunately, she has been restored to our country, and now constitutes one of the States of our Confederacy, "upon an equal footing with the original States." The salubrity of climate, the fertility of soil, peculiarly adapted to the production of some of our most valuable staple commodities, and her commercial advantages must soon make her one of our most populous States.

New Mexico, though situated in the interior and without a seacoast, is known to contain much fertile land, to abound in rich mines of the precious metals, and to be capable of sustaining a large population. From its position it is the intermediate and connecting territory between our settlements and our possessions in Texas and those on the Pacific Coast.

Upper California, irrespective of the vast mineral wealth recently developed there, holds at this day, in point of value and importance, to the rest of the Union the same relation that Louisiana did when that fine territory was acquired from France forty-five years ago. Extending nearly ten degrees of latitude along the Pacific, and embracing the only safe and commodious harbors on that coast for many hundred miles, with a temperate climate and an extensive interior of fertile lands, it is scarcely possible to estimate its wealth until it shall be brought under the government of our laws and its resources fully developed. From its position it must command the rich commerce of China, of Asia, of the islands of the Pacific, of western Mexico, of Central America, the South American States, and of the Russian possessions bordering on that ocean. A great emporium will doubtless speedily arise on the Californian coast which may be destined to rival in importance New Orleans itself. The depot of the vast commerce which must exist on the Pacific will probably be at some point on the Bay of San Francisco, and will occupy the same relation to the whole western coast of that ocean as New Orleans does to the valley of the Mississippi and the Gulf of Mexico. To this depot our numerous whale ships will resort with their cargoes to trade, refit, and obtain supplies. This of itself will largely contribute to build up a city, which would soon become the center of a great and rapidly increasing commerce. Situated on a safe harbor, sufficiently capacious for all the navies as well

as the marine of the world, and convenient to excellent timber for shipbuilding, owned by the United States, it must become our great Western naval depot.

It was known that mines of the precious metals existed to a considerable extent in California at the time of its acquisition. Recent discoveries render it probable that these mines are more extensive and valuable than was anticipated. The accounts of the abundance of gold in that territory are of such an extraordinary character as would scarcely command belief were they not corroborated by the authentic reports of officers in the public service who have visited the mineral district and derived the facts which they detail from personal observation. Reluctant to credit the reports in general circulation as to the quantity of gold, the officer commanding our forces in California visited the mineral district in July last for the purpose of obtaining accurate information on the subject. His report to the War Department of the result of his examination and the facts obtained on the spot is herewith laid before Congress. When he visited the country there were about 4,000 persons engaged in collecting gold. There is every reason to believe that the number of persons so employed has since been augmented. The explorations already made warrant the belief that the supply is very large and that gold is found at various places in an extensive district of country.

Information received from officers of the Navy and other sources, though not so full and minute, confirms the accounts of the commander of our military force in California. It appears also from these reports that mines of quicksilver are found in the vicinity of the gold region. One of them is now being worked, and is believed to be among the most productive in the world.

The effects produced by the discovery of these rich mineral deposits and the success which has attended the labors of those who have resorted to them have produced a surprising change in the state of affairs in California. Labor commands a most exorbitant price, and all other pursuits but that of searching for the precious metals are abandoned. Nearly the whole of the male population of the country have gone to the gold districts. Ships arriving on the coast are deserted by their crews and their voyages suspended for want of sailors. Our commanding officer there entertains apprehensions that soldiers can not be kept in the public service without a large increase of pay. Desertions in his command have become frequent, and he recommends that those who shall withstand the strong temptation and remain faithful should be rewarded.

This abundance of gold and the all-engrossing pursuit of it have already caused in California an unprecedented rise in the price of all the necessaries of life.

That we may the more speedily and fully avail ourselves of the undeveloped wealth of these mines, it is deemed of vast importance that a branch of the Mint of the United States be authorized to be established

at your present session in California. Among other signal advantages which would result from such an establishment would be that of raising the gold to its par value in that territory. A branch mint of the United States at the great commercial depot on the west coast would convert into our own coin not only the gold derived from our own rich mines, but also the bullion and specie which our commerce may bring from the whole west coast of Central and South America. The west coast of America and the adjacent interior embrace the richest and best mines of Mexico, New Granada, Central America, Chili, and Peru. The bullion and specie drawn from these countries, and especially from those of western Mexico and Peru, to an amount in value of many millions of dollars, are now annually diverted and carried by the ships of Great Britain to her own ports, to be recoined or used to sustain her national bank, and thus contribute to increase her ability to command so much of the commerce of the world. If a branch mint be established at the great commercial point upon that coast, a vast amount of bullion and specie would flow thither to be recoined, and pass thence to New Orleans, New York, and other Atlantic cities. The amount of our constitutional currency at home would be greatly increased, while its circulation abroad would be promoted. It is well known to our merchants trading to China and the west coast of America that great inconvenience and loss are experienced from the fact that our coins are not current at their par value in those countries.

The powers of Europe, far removed from the west coast of America by the Atlantic Ocean, which intervenes, and by a tedious and dangerous navigation around the southern cape of the continent of America, can never successfully compete with the United States in the rich and extensive commerce which is opened to us at so much less cost by the acquisition of California.

The vast importance and commercial advantages of California have heretofore remained undeveloped by the Government of the country of which it constituted a part. Now that this fine province is a part of our country, all the States of the Union, some more immediately and directly than others, are deeply interested in the speedy development of its wealth and resources. No section of our country is more interested or will be more benefited than the commercial, navigating, and manufacturing interests of the Eastern States. Our planting and farming interests in every part of the Union will be greatly benefited by it. As our commerce and navigation are enlarged and extended, our exports of agricultural products and of manufactures will be increased, and in the new markets thus opened they can not fail to command remunerating and profitable prices.

The acquisition of California and New Mexico, the settlement of the Oregon boundary, and the annexation of Texas, extending to the Rio Grande, are results which, combined, are of greater consequence and

will add more to the strength and wealth of the nation than any which have preceded them since the adoption of the Constitution.

But to effect these great results not only California, but New Mexico, must be brought under the control of regularly organized governments. The existing condition of California and of that part of New Mexico lying west of the Rio Grande and without the limits of Texas imperiously demands that Congress should at its present session organize Territorial governments over them.

Upon the exchange of ratifications of the treaty of peace with Mexico, on the 30th of May last, the temporary governments which had been established over New Mexico and California by our military and naval commanders by virtue of the rights of war ceased to derive any obligatory force from that source of authority, and having been ceded to the United States, all government and control over them under the authority of Mexico had ceased to exist. Impressed with the necessity of establishing Territorial governments over them, I recommended the subject to the favorable consideration of Congress in my message communicating the ratified treaty of peace, on the 6th of July last, and invoked their action at that session. Congress adjourned without making any provision for their government. The inhabitants by the transfer of their country had become entitled to the benefit of our laws and Constitution, and yet were left without any regularly organized government. Since that time the very limited power possessed by the Executive has been exercised to preserve and protect them from the inevitable consequences of a state of anarchy. The only government which remained was that established by the military authority during the war. Regarding this to be a *de facto* government, and that by the presumed consent of the inhabitants it might be continued temporarily, they were advised to conform and submit to it for the short intervening period before Congress would again assemble and could legislate on the subject. The views entertained by the Executive on this point are contained in a communication of the Secretary of State dated the 7th of October last, which was forwarded for publication to California and New Mexico, a copy of which is herewith transmitted. The small military force of the Regular Army which was serving within the limits of the acquired territories at the close of the war was retained in them, and additional forces have been ordered there for the protection of the inhabitants and to preserve and secure the rights and interests of the United States.

No revenue has been or could be collected at the ports in California, because Congress failed to authorize the establishment of custom-houses or the appointment of officers for that purpose.

The Secretary of the Treasury, by a circular letter addressed to collectors of the customs on the 7th day of October last, a copy of which is herewith transmitted, exercised all the power with which he was invested by law.

In pursuance of the act of the 14th of August last, extending the benefit of our post-office laws to the people of California, the Postmaster-General has appointed two agents, who have proceeded, the one to California and the other to Oregon, with authority to make the necessary arrangements for carrying its provisions into effect.

The monthly line of mail steamers from Panama to Astoria has been required to "stop and deliver and take mails at San Diego, Monterey, and San Francisco." These mail steamers, connected by the Isthmus of Panama with the line of mail steamers on the Atlantic between New York and Chagres, will establish a regular mail communication with California.

It is our solemn duty to provide with the least practicable delay for New Mexico and California regularly organized Territorial governments. The causes of the failure to do this at the last session of Congress are well known and deeply to be regretted. With the opening prospects of increased prosperity and national greatness which the acquisition of these rich and extensive territorial possessions affords, how irrational it would be to forego or to reject these advantages by the agitation of a domestic question which is coeval with the existence of our Government itself, and to endanger by internal strifes, geographical divisions, and heated contests for political power, or for any other cause, the harmony of the glorious Union of our confederated States—that Union which binds us together as one people, and which for sixty years has been our shield and protection against every danger. In the eyes of the world and of posterity how trivial and insignificant will be all our internal divisions and struggles compared with the preservation of this Union of the States in all its vigor and with all its countless blessings! No patriot would foment and excite geographical and sectional divisions. No lover of his country would deliberately calculate the value of the Union. Future generations would look in amazement upon the folly of such a course. Other nations at the present day would look upon it with astonishment, and such of them as desire to maintain and perpetuate thrones and monarchical or aristocratical principles will view it with exultation and delight, because in it they will see the elements of faction, which they hope must ultimately overturn our system. Ours is the great example of a prosperous and free self-governed republic, commanding the admiration and the imitation of all the lovers of freedom throughout the world. How solemn, therefore, is the duty, how impressive the call upon us and upon all parts of our country, to cultivate a patriotic spirit of harmony, of good-fellowship, of compromise and mutual concession, in the administration of the incomparable system of government formed by our fathers in the midst of almost insuperable difficulties, and transmitted to us with the injunction that we should enjoy its blessings and hand it down unimpaired to those who may come after us.

In view of the high and responsible duties which we owe to ourselves

and to mankind, I trust you may be able at your present session to approach the adjustment of the only domestic question which seriously threatens, or probably ever can threaten, to disturb the harmony and successful operations of our system.

The immensely valuable possessions of New Mexico and California are already inhabited by a considerable population. Attracted by their great fertility, their mineral wealth, their commercial advantages, and the salubrity of the climate, emigrants from the older States in great numbers are already preparing to seek new homes in these inviting regions. Shall the dissimilarity of the domestic institutions in the different States prevent us from providing for them suitable governments? These institutions existed at the adoption of the Constitution, but the obstacles which they interposed were overcome by that spirit of compromise which is now invoked. In a conflict of opinions or of interests, real or imaginary, between different sections of our country, neither can justly demand all which it might desire to obtain. Each, in the true spirit of our institutions, should concede something to the other.

Our gallant forces in the Mexican war, by whose patriotism and unparalleled deeds of arms we obtained these possessions as an indemnity for our just demands against Mexico, were composed of citizens who belonged to no one State or section of our Union. They were men from slaveholding and nonslaveholding States, from the North and the South, from the East and the West. They were all companions in arms and fellow-citizens of the same common country, engaged in the same common cause. When prosecuting that war they were brethren and friends, and shared alike with each other common toils, dangers, and sufferings. Now, when their work is ended, when peace is restored, and they return again to their homes, put off the habiliments of war, take their places in society, and resume their pursuits in civil life, surely a spirit of harmony and concession and of equal regard for the rights of all and of all sections of the Union ought to prevail in providing governments for the acquired territories—the fruits of their common service. The whole people of the United States, and of every State, contributed to defray the expenses of that war, and it would not be just for any one section to exclude another from all participation in the acquired territory. This would not be in consonance with the just system of government which the framers of the Constitution adopted.

The question is believed to be rather abstract than practical, whether slavery ever can or would exist in any portion of the acquired territory even if it were left to the option of the slaveholding States themselves. From the nature of the climate and productions in much the larger portion of it it is certain it could never exist, and in the remainder the probabilities are it would not. But however this may be, the question, involving, as it does, a principle of equality of rights of the separate and several States as equal copartners in the Confederacy, should not be disregarded.

In organizing governments over these territories no duty imposed on Congress by the Constitution requires that they should legislate on the subject of slavery, while their power to do so is not only seriously questioned, but denied by many of the soundest expounders of that instrument. Whether Congress shall legislate or not, the people of the acquired territories, when assembled in convention to form State constitutions, will possess the sole and exclusive power to determine for themselves whether slavery shall or shall not exist within their limits. If Congress shall abstain from interfering with the question, the people of these territories will be left free to adjust it as they may think proper when they apply for admission as States into the Union. No enactment of Congress could restrain the people of any of the sovereign States of the Union, old or new, North or South, slaveholding or nonslaveholding, from determining the character of their own domestic institutions as they may deem wise and proper. Any and all the States possess this right, and Congress can not deprive them of it. The people of Georgia might if they chose so alter their constitution as to abolish slavery within its limits, and the people of Vermont might so alter their constitution as to admit slavery within its limits. Both States would possess the right, though, as all know, it is not probable that either would exert it.

It is fortunate for the peace and harmony of the Union that this question is in its nature temporary and can only continue for the brief period which will intervene before California and New Mexico may be admitted as States into the Union. From the tide of population now flowing into them it is highly probable that this will soon occur.

Considering the several States and the citizens of the several States as equals and entitled to equal rights under the Constitution, if this were an original question it might well be insisted on that the principle of noninterference is the true doctrine and that Congress could not, in the absence of any express grant of power, interfere with their relative rights. Upon a great emergency, however, and under menacing dangers to the Union, the Missouri compromise line in respect to slavery was adopted. The same line was extended farther west in the acquisition of Texas. After an acquiescence of nearly thirty years in the principle of compromise recognized and established by these acts, and to avoid the danger to the Union which might follow if it were now disregarded, I have heretofore expressed the opinion that that line of compromise should be extended on the parallel of 36° 30′ from the western boundary of Texas, where it now terminates, to the Pacific Ocean. This is the middle ground of compromise, upon which the different sections of the Union may meet, as they have heretofore met. If this be done, it is confidently believed a large majority of the people of every section of the country, however widely their abstract opinions on the subject of slavery may differ, would cheerfully and patriotically acquiesce in it, and peace and harmony would again fill our borders.

The restriction north of the line was only yielded to in the case of Missouri and Texas upon a principle of compromise, made necessary for the sake of preserving the harmony and possibly the existence of the Union.

It was upon these considerations that at the close of your last session I gave my sanction to the principle of the Missouri compromise line by approving and signing the bill to establish "the Territorial government of Oregon." From a sincere desire to preserve the harmony of the Union, and in deference for the acts of my predecessors, I felt constrained to yield my acquiescence to the extent to which they had gone in compromising this delicate and dangerous question. But if Congress shall now reverse the decision by which the Missouri compromise was effected, and shall propose to extend the restriction over the whole territory, south as well as north of the parallel of 36° 30', it will cease to be a compromise, and must be regarded as an original question.

If Congress, instead of observing the course of noninterference, leaving the adoption of their own domestic institutions to the people who may inhabit these territories, or if, instead of extending the Missouri compromise line to the Pacific, shall prefer to submit the legal and constitutional questions which may arise to the decision of the judicial tribunals, as was proposed in a bill which passed the Senate at your last session, an adjustment may be effected in this mode. If the whole subject be referred to the judiciary, all parts of the Union should cheerfully acquiesce in the final decision of the tribunal created by the Constitution for the settlement of all questions which may arise under the Constitution, treaties, and laws of the United States.

Congress is earnestly invoked, for the sake of the Union, its harmony, and our continued prosperity as a nation, to adjust at its present session this, the only dangerous question which lies in our path, if not in some one of the modes suggested, in some other which may be satisfactory.

In anticipation of the establishment of regular governments over the acquired territories, a joint commission of officers of the Army and Navy has been ordered to proceed to the coast of California and Oregon for the purpose of making reconnoissances and a report as to the proper sites for the erection of fortifications or other defensive works on land and of suitable situations for naval stations. The information which may be expected from a scientific and skillful examination of the whole face of the coast will be eminently useful to Congress when they come to consider the propriety of making appropriations for these great national objects. Proper defenses on land will be necessary for the security and protection of our possessions, and the establishment of navy-yards and a dock for the repair and construction of vessels will be important alike to our Navy and commercial marine. Without such establishments every vessel, whether of the Navy or of the merchant service, requiring repair must at great expense come round Cape Horn to one of our Atlantic yards for that purpose. With such establishments vessels, it is believed,

may be built or repaired as cheaply in California as upon the Atlantic coast. They would give employment to many of our enterprising shipbuilders and mechanics and greatly facilitate and enlarge our commerce in the Pacific.

As it is ascertained that mines of gold, silver, copper, and quicksilver exist in New Mexico and California, and that nearly all the lands where they are found belong to the United States, it is deemed important to the public interest that provision be made for a geological and mineralogical examination of these regions. Measures should be adopted to preserve the mineral lands, especially such as contain the precious metals, for the use of the United States, or, if brought into market, to separate them from the farming lands and dispose of them in such manner as to secure a large return of money to the Treasury and at the same time to lead to the development of their wealth by individual proprietors and purchasers. To do this it will be necessary to provide for an immediate survey and location of the lots. If Congress should deem it proper to dispose of the mineral lands, they should be sold in small quantities and at a fixed minimum price.

I recommend that surveyors-general's offices be authorized to be established in New Mexico and California and provision made for surveying and bringing the public lands into market at the earliest practicable period. In disposing of these lands, I recommend that the right of preemption be secured and liberal grants made to the early emigrants who have settled or may settle upon them.

It will be important to extend our revenue laws over these territories, and especially over California, at an early period. There is already a considerable commerce with California, and until ports of entry shall be established and collectors appointed no revenue can be received.

If these and other necessary and proper measures be adopted for the development of the wealth and resources of New Mexico and California and regular Territorial governments be established over them, such will probably be the rapid enlargement of our commerce and navigation and such the addition to the national wealth that the present generation may live to witness the controlling commercial and monetary power of the world transferred from London and other European emporiums to the city of New York.

The apprehensions which were entertained by some of our statesmen in the earlier periods of the Government that our system was incapable of operating with sufficient energy and success over largely extended territorial limits, and that if this were attempted it would fall to pieces by its own weakness, have been dissipated by our experience. By the division of power between the States and Federal Government the latter is found to operate with as much energy in the extremes as in the center. It is as efficient in the remotest of the thirty States which now compose the Union as it was in the thirteen States which formed our Constitution. Indeed, it may well be doubted whether if our present population had been confined within the limits of the original thirteen States the

tendencies to centralization and consolidation would not have been such as to have encroached upon the essential reserved rights of the States, and thus to have made the Federal Government a widely different one, practically, from what it is in theory and was intended to be by its framers. So far from entertaining apprehensions of the safety of our system by the extension of our territory, the belief is confidently entertained that each new State gives strength and an additional guaranty for the preservation of the Union itself.

In pursuance of the provisions of the thirteenth article of the treaty of peace, friendship, limits, and settlement with the Republic of Mexico, and of the act of July 29, 1848, claims of our citizens, which had been "already liquidated and decided, against the Mexican Republic" amounting, with the interest thereon, to $2,023,832.51 have been liquidated and paid. There remain to be paid of these claims $74,192.26.

Congress at its last session having made no provision for executing the fifteenth article of the treaty, by which the United States assume to make satisfaction for the "unliquidated claims" of our citizens against Mexico to "an amount not exceeding three and a quarter millions of dollars," the subject is again recommended to your favorable consideration.

The exchange of ratifications of the treaty with Mexico took place on the 30th of May, 1848. Within one year after that time the commissioner and surveyor which each Government stipulates to appoint are required to meet "at the port of San Diego and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte." It will be seen from this provision that the period within which a commissioner and surveyor of the respective Governments are to meet at San Diego will expire on the 30th of May, 1849. Congress at the close of its last session made an appropriation for "the expenses of running and marking the boundary line" between the two countries, but did not fix the amount of salary which should be paid to the commissioner and surveyor to be appointed on the part of the United States. It is desirable that the amount of compensation which they shall receive should be prescribed by law, and not left, as at present, to Executive discretion.

Measures were adopted at the earliest practicable period to organize the "Territorial government of Oregon," as authorized by the act of the 14th of August last. The governor and marshal of the Territory, accompanied by a small military escort, left the frontier of Missouri in September last, and took the southern route, by the way of Santa Fe and the river Gila, to California, with the intention of proceeding thence in one of our vessels of war to their destination. The governor was fully advised of the great importance of his early arrival in the country, and it is confidently believed he may reach Oregon in the latter part of the present month or early in the next. The other officers for the Territory have proceeded by sea.

In the month of May last I communicated information to Congress that an Indian war had broken out in Oregon, and recommended that

authority be given to raise an adequate number of volunteers to proceed without delay to the assistance of our fellow-citizens in that Territory. The authority to raise such a force not ha ing been granted by Congress, as soon as their services could be dispensed with in Mexico orders were issued to the regiment of mounted riflemen to proceed to Jefferson Barracks, in Missouri, and to prepare to march to Oregon as soon as the necessary provision could be made. Shortly before it was ready to march it was arrested by the provision of the act passed by Congress on the last day of the last session, which directed that all the noncommissioned officers, musicians, and privates of that regiment who had been in service in Mexico should, upon their application, be entitled to be discharged. The effect of this provision was to disband the rank and file of the regiment, and before their places could be filled by recruits the season had so far advanced that it was impracticable for it to proceed until the opening of the next spring.

In the month of October last the accompanying communication was received from the governor of the temporary government of Oregon, giving information of the continuance of the Indian disturbances and of the destitution and defenseless condition of the inhabitants. Orders were immediately transmitted to the commander of our squadron in the Pacific to dispatch to their assistance a part of the naval forces on that station, to furnish them with arms and ammunition, and to continue to give them such aid and protection as the Navy could afford until the Army could reach the country.

It is the policy of humanity, and one which has always been pursued by the United States, to cultivate the good will of the aboriginal tribes of this continent and to restrain them from making war and indulging in excesses by mild means rather than by force. That this could have been done with the tribes in Oregon had that Territory been brought under the government of our laws at an earlier period, and had other suitable measures been adopted by Congress, such as now exist in our intercourse with the other Indian tribes within our limits, can not be doubted. Indeed, the immediate and only cause of the existing hostility of the Indians of Oregon is represented to have been the long delay of the United States in making to them some trifling compensation, in such articles as they wanted, for the country now occupied by our emigrants, which the Indians claimed and over which they formerly roamed. This compensation had been promised to them by the temporary government established in Oregon, but its fulfillment had been postponed from time to time for nearly two years, whilst those who made it had been anxiously waiting for Congress to establish a Territorial government over the country. The Indians became at length distrustful of their good faith and sought redress by plunder and massacre, which finally led to the present difficulties. A few thousand dollars in suitable presents, as a compensation for the country which had been taken possession of by our citizens,

would have satisfied the Indians and have prevented the war. A small amount properly distributed, it is confidently believed, would soon restore quiet. In this Indian war our fellow-citizens of Oregon have been compelled to take the field in their own defense, have performed valuable military services, and been subjected to expenses which have fallen heavily upon them. Justice demands that provision should be made by Congress to compensate them for their services and to refund to them the necessary expenses which they have incurred.

I repeat the recommendation heretofore made to Congress, that provision be made for the appointment of a suitable number of Indian agents to reside among the tribes of Oregon, and that a small sum be appropriated to enable these agents to cultivate friendly relations with them. If this be done, the presence of a small military force will be all that is necessary to keep them in check and preserve peace. I recommend that similar provisions be made as regards the tribes inhabiting northern Texas, New Mexico, California, and the extensive region lying between our settlements in Missouri and these possessions, as the most effective means of preserving peace upon our borders and within the recently acquired territories.

The Secretary of the Treasury will present in his annual report a highly satisfactory statement of the condition of the finances.

The imports for the fiscal year ending on the 30th of June last were of the value of $154,977,876, of which the amount exported was $21,128,010, leaving $133,849,866 in the country for domestic use. The value of the exports for the same period was $154,032,131, consisting of domestic productions amounting to $132,904,121 and $21,128,010 of foreign articles. The receipts into the Treasury for the same period, exclusive of loans, amounted to $35,436,750.59, of which there was derived from customs $31,757,070.96, from sales of public lands $3,328,642.56, and from miscellaneous and incidental sources $351,037.07.

It will be perceived that the revenue from customs for the last fiscal year exceeded by $757,070.96 the estimate of the Secretary of the Treasury in his last annual report, and that the aggregate receipts during the same period from customs, lands, and miscellaneous sources also exceeded the estimate by the sum of $536,750.59, indicating, however, a very near approach in the estimate to the actual result.

The expenditures during the fiscal year ending on the 30th of June last, including those for the war and exclusive of payments of principal and interest for the public debt, were $42,811,970.03.

It is estimated that the receipts into the Treasury for the fiscal year ending on the 30th of June, 1849, including the balance in the Treasury on the 1st of July last, will amount to the sum of $57,048,969.90, of which $32,000,000, it is estimated, will be derived from customs, $3,000,000 from the sales of the public lands, and $1,200,000 from miscellaneous and incidental sources, including the premium upon the loan.

and the amount paid and to be paid into the Treasury on account of military contributions in Mexico, and the sales of arms and vessels and other public property rendered unnecessary for the use of the Government by the termination of the war, and $20,695,435.30 from loans already negotiated, including Treasury notes funded, which, together with the balance in the Treasury on the 1st of July last, make the sum estimated.

The expenditures for the same period, including the necessary payment on account of the principal and interest of the public debt, and the principal and interest of the first installment due to Mexico on the 30th of May next, and other expenditures growing out of the war to be paid during the present year, will amount, including the reimbursement of Treasury notes, to the sum of $54,195,275.06, leaving an estimated balance in the Treasury on the 1st of July, 1849, of $2,853,694.84.

The Secretary of the Treasury will present, as required by law, the estimate of the receipts and expenditures for the next fiscal year. The expenditures as estimated for that year are $33,213,152.73, including $3,799,102.18 for the interest on the public debt and $3,540,000 for the principal and interest due to Mexico on the 30th of May, 1850, leaving the sum of $25,874,050.35, which, it is believed, will be ample for the ordinary peace expenditures.

The operations of the tariff act of 1846 have been such during the past year as fully to meet the public expectation and to confirm the opinion heretofore expressed of the wisdom of the change in our revenue system which was effected by it. The receipts under it into the Treasury for the first fiscal year after its enactment exceeded by the sum of $5,044,403.09 the amount collected during the last fiscal year under the tariff act of 1842, ending the 30th of June, 1846. The total revenue realized from the commencement of its operation, on the 1st of December, 1846, until the close of the last quarter, on the 30th of September last, being twenty-two months, was $56,654,563.79, being a much larger sum than was ever before received from duties during any equal period under the tariff acts of 1824, 1828, 1832, and 1842. Whilst by the repeal of highly protective and prohibitory duties the revenue has been increased, the taxes on the people have been diminished. They have been relieved from the heavy amounts with which they were burthened under former laws in the form of increased prices or bounties paid to favored classes and pursuits.

The predictions which were made that the tariff act of 1846 would reduce the amount of revenue below that collected under the act of 1842, and would prostrate the business and destroy the prosperity of the country, have not been verified. With an increased and increasing revenue, the finances are in a highly flourishing condition. Agriculture, commerce, and navigation are prosperous; the prices of manufactured fabrics and of other products are much less injuriously affected than was to have been anticipated from the unprecedented revulsions which during

the last and the present year have overwhelmed the industry and paralyzed the credit and commerce of so many great and enlightened nations of Europe.

Severe commercial revulsions abroad have always heretofore operated to depress and often to affect disastrously almost every branch of American industry. The temporary depression of a portion of our manufacturing interests is the effect of foreign causes, and is far less severe than has prevailed on all former similar occasions.

It is believed that, looking to the great aggregate of all our interests, the whole country was never more prosperous than at the present period, and never more rapidly advancing in wealth and population. Neither the foreign war in which we have been involved, nor the loans which have absorbed so large a portion of our capital, nor the commercial revulsion in Great Britain in 1847, nor the paralysis of credit and commerce throughout Europe in 1848, have affected injuriously to any considerable extent any of the great interests of the country or arrested our onward march to greatness, wealth, and power.

Had the disturbances in Europe not occurred, our commerce would undoubtedly have been still more extended, and would have added still more to the national wealth and public prosperity. But notwithstanding these disturbances, the operations of the revenue system established by the tariff act of 1846 have been so generally beneficial to the Government and the business of the country that no change in its provisions is demanded by a wise public policy, and none is recommended.

The operations of the constitutional treasury established by the act of the 6th of August, 1846, in the receipt, custody, and disbursement of the public money have continued to be successful. Under this system the public finances have been carried through a foreign war, involving the necessity of loans and extraordinary expenditures and requiring distant transfers and disbursements, without embarrassment, and no loss has occurred of any of the public money deposited under its provisions. Whilst it has proved to be safe and useful to the Government, its effects have been most beneficial upon the business of the country. It has tended powerfully to secure an exemption from that inflation and fluctuation of the paper currency so injurious to domestic industry and rendering so uncertain the rewards of labor, and, it is believed, has largely contributed to preserve the whole country from a serious commercial revulsion, such as often occurred under the bank deposit system. In the year 1847 there was a revulsion in the business of Great Britain of great extent and intensity, which was followed by failures in that Kingdom unprecedented in number and amount of losses. This is believed to be the first instance when such disastrous bankruptcies, occurring in a country with which we have such extensive commerce, produced little or no injurious effect upon our trade or currency. We remained but little affected in our money market, and our business and industry were still prosperous and progressive.

During the present year nearly the whole continent of Europe has been convulsed by civil war and revolutions, attended by numerous bankruptcies, by an unprecedented fall in their public securities, and an almost universal paralysis of commerce and industry; and yet, although our trade and the prices of our products must have been somewhat unfavorably affected by these causes, we have escaped a revulsion, our money market is comparatively easy, and public and private credit have advanced and improved.

It is confidently believed that we have been saved from their effect by the salutary operation of the constitutional treasury. It is certain that if the twenty-four millions of specie imported into the country during the fiscal year ending on the 30th of June, 1847, had gone into the banks, as to a great extent it must have done, it would in the absence of this system have been made the basis of augmented bank paper issues, probably to an amount not less than $60,000,000 or $70,000,000, producing, as an inevitable consequence of an inflated currency, extravagant prices for a time and wild speculation, which must have been followed, on the reflux to Europe the succeeding year of so much of that specie, by the prostration of the business of the country, the suspension of the banks, and most extensive bankruptcies. Occurring, as this would have done, at a period when the country was engaged in a foreign war, when considerable loans of specie were required for distant disbursements, and when the banks, the fiscal agents of the Government and the depositories of its money, were suspended, the public credit must have sunk, and many millions of dollars, as was the case during the War of 1812, must have been sacrificed in discounts upon loans and upon the depreciated paper currency which the Government would have been compelled to use.

Under the operations of the constitutional treasury not a dollar has been lost by the depreciation of the currency. The loans required to prosecute the war with Mexico were negotiated by the Secretary of the Treasury above par, realizing a large premium to the Government. The restraining effect of the system upon the tendencies to excessive paper issues by banks has saved the Government from heavy losses and thousands of our business men from bankruptcy and ruin. The wisdom of the system has been tested by the experience of the last two years, and it is the dictate of sound policy that it should remain undisturbed. The modifications in some of the details of this measure, involving none of its essential principles, heretofore recommended, are again presented for your favorable consideration.

In my message of the 6th of July last, transmitting to Congress the ratified treaty of peace with Mexico, I recommended the adoption of measures for the speedy payment of the public debt. In reiterating that recommendation I refer you to the considerations presented in that message in its support. The public debt, including that authorized to be

negotiated in pursuance of existing laws, and including Treasury notes, amounted at that time to $65,778,450.41.

Funded stock of the United States amounting to about half a million of dollars has been purchased, as authorized by law, since that period, and the public debt has thus been reduced, the details of which will be presented in the annual report of the Secretary of the Treasury.

The estimates of expenditures for the next fiscal year, submitted by the Secretary of the Treasury, it is believed will be ample for all necessary purposes. If the appropriations made by Congress shall not exceed the amount estimated, the means in the Treasury will be sufficient to defray all the expenses of the Government, to pay off the next installment of $3,000,000 to Mexico, which will fall due on the 30th of May next, and still a considerable surplus will remain, which should be applied to the further purchase of the public stock and reduction of the debt. Should enlarged appropriations be made, the necessary consequence will be to postpone the payment of the debt. Though our debt, as compared with that of most other nations, is small, it is our true policy, and in harmony with the genius of our institutions, that we should present to the world the rare spectacle of a great Republic, possessing vast resources and wealth, wholly exempt from public indebtedness. This would add still more to our strength, and give to us a still more commanding position among the nations of the earth.

The public expenditures should be economical, and be confined to such necessary objects as are clearly within the powers of Congress. All such as are not absolutely demanded should be postponed, and the payment of the public debt at the earliest practicable period should be a cardinal principle of our public policy.

For the reason assigned in my last annual message, I repeat the recommendation that a branch of the Mint of the United States be established at the city of New York. The importance of this measure is greatly increased by the acquisition of the rich mines of the precious metals in New Mexico and California, and especially in the latter.

I repeat the recommendation heretofore made in favor of the graduation and reduction of the price of such of the public lands as have been long offered in the market and have remained unsold, and in favor of extending the rights of preemption to actual settlers on the unsurveyed as well as the surveyed lands.

The condition and operations of the Army and the state of other branches of the public service under the supervision of the War Department are satisfactorily presented in the accompanying report of the Secretary of War.

On the return of peace our forces were withdrawn from Mexico, and the volunteers and that portion of the Regular Army engaged for the war were disbanded. Orders have been issued for stationing the forces of our permanent establishment at various positions in our extended country where troops may be required. Owing to the remoteness of some

of these positions, the detachments have not yet reached their destination. Notwithstanding the extension of the limits of our country and the forces required in the new territories, it is confidently believed that our present military establishment is sufficient for all exigencies so long as our peaceful relations remain undisturbed.

Of the amount of military contributions collected in Mexico, the sum of $769,650 was applied toward the payment of the first installment due under the treaty with Mexico. The further sum of $346,369.30 has been paid into the Treasury, and unexpended balances still remain in the hands of disbursing officers and those who were engaged in the collection of these moneys. After the proclamation of peace no further disbursements were made of any unexpended moneys arising from this source. The balances on hand were directed to be paid into the Treasury, and individual claims on the fund will remain unadjusted until Congress shall authorize their settlement and payment. These claims are not considerable in number or amount.

I recommend to your favorable consideration the suggestions of the Secretary of War and the Secretary of the Navy in regard to legislation on this subject.

Our Indian relations are presented in a most favorable view in the report from the War Department. The wisdom of our policy in regard to the tribes within our limits is clearly manifested by their improved and rapidly improving condition.

A most important treaty with the Menomonies has been recently negotiated by the Commissioner of Indian Affairs in person, by which all their land in the State of Wisconsin—being about 4,000,000 acres—has been ceded to the United States. This treaty will be submitted to the Senate for ratification at an early period of your present session.

Within the last four years eight important treaties have been negotiated with different Indian tribes, and at a cost of $1,842,000; Indian lands to the amount of more than 18,500,000 acres have been ceded to the United States, and provision has been made for settling in the country west of the Mississippi the tribes which occupied this large extent of the public domain. The title to all the Indian lands within the several States of our Union, with the exception of a few small reservations, is now extinguished, and a vast region opened for settlement and cultivation.

The accompanying report of the Secretary of the Navy gives a satisfactory exhibit of the operations and condition of that branch of the public service.

A number of small vessels, suitable for entering the mouths of rivers, were judiciously purchased during the war, and gave great efficiency to the squadron in the Gulf of Mexico. On the return of peace, when no longer valuable for naval purposes, and liable to constant deterioration, they were sold and the money placed in the Treasury.

The number of men in the naval service authorized by law during the war has been reduced by discharges below the maximum fixed for the peace establishment. Adequate squadrons are maintained in the several quarters of the globe where experience has shown their services may be most usefully employed, and the naval service was never in a condition of higher discipline or greater efficiency.

I invite attention to the recommendation of the Secretary of the Navy on the subject of the Marine Corps. The reduction of the Corps at the end of the war required that four officers of each of the three lower grades should be dropped from the rolls. A board of officers made the selection, and those designated were necessarily dismissed, but without any alleged fault. I concur in opinion with the Secretary that the service would be improved by reducing the number of landsmen and increasing the marines. Such a measure would justify an increase of the number of officers to the extent of the reduction by dismissal, and still the Corps would have fewer officers than a corresponding number of men in the Army.

The contracts for the transportation of the mail in steamships, convertible into war steamers, promise to realize all the benefits to our commerce and to the Navy which were anticipated. The first steamer thus secured to the Government was launched in January, 1847. There are now seven, and in another year there will probably be not less than seventeen afloat. While this great national advantage is secured, our social and commercial intercourse is increased and promoted with Germany, Great Britain, and other parts of Europe, with all the countries on the west coast of our continent, especially with Oregon and California, and between the northern and southern sections of the United States. Considerable revenue may be expected from postages, but the connected line from New York to Chagres, and thence across the Isthmus to Oregon, can not fail to exert a beneficial influence, not now to be estimated, on the interests of the manufactures, commerce, navigation, and currency of the United States. As an important part of the system, I recommend to your favorable consideration the establishment of the proposed line of steamers between New Orleans and Vera Cruz. It promises the most happy results in cementing friendship between the two Republics and extending reciprocal benefits to the trade and manufactures of both.

The report of the Postmaster-General will make known to you the operations of that Department for the past year.

It is gratifying to find the revenues of the Department, under the rates of postage now established by law, so rapidly increasing. The gross amount of postages during the last fiscal year amounted to $4,371,077, exceeding the annual average received for the nine years immediately preceding the passage of the act of the 3d of March, 1845, by the sum of $6,453, and exceeding the amount received for the year ending the 30th of June, 1847, by the sum of $425,184.

The expenditures for the year, excluding the sum of $94,672, allowed by Congress at its last session to individual claimants, and including the sum of $100,500, paid for the services of the line of steamers between Bremen and New York, amounted to $4,198,845, which is less than the annual average for the nine years previous to the act of 1845 by $300,748.

The mail routes on the 30th day of June last were 163,208 miles in extent, being an increase during the last year of 9,390 miles. The mails were transported over them during the same time 41,012,579 miles, making an increase of transportation for the year of 2,124,680 miles, whilst the expense was less than that of the previous year by $4,235.

The increase in the mail transportation within the last three years has been 5,378,310 miles, whilst the expenses were reduced $456,738, making an increase of service at the rate of 15 per cent and a reduction in the expenses of more than 15 per cent.

During the past year there have been employed, under contracts with the Post-Office Department, two ocean steamers in conveying the mails monthly between New York and Bremen, and one, since October last, performing semimonthly service between Charleston and Havana; and a contract has been made for the transportation of the Pacific mails across the Isthmus from Chagres to Panama.

Under the authority given to the Secretary of the Navy, three ocean steamers have been constructed and sent to the Pacific, and are expected to enter upon the mail service between Panama and Oregon and the intermediate ports on the 1st of January next; and a fourth has been engaged by him for the service between Havana and Chagres, so that a regular monthly mail line will be kept up after that time between the United States and our territories on the Pacific.

Notwithstanding this great increase in the mail service, should the revenue continue to increase the present year as it did in the last, there will be received near $450,000 more than the expenditures.

These considerations have satisfied the Postmaster-General that, with certain modifications of the act of 1845, the revenue may be still further increased and a reduction of postages made to a uniform rate of 5 cents, without an interference with the principle, which has been constantly and properly enforced, of making that Department sustain itself.

A well-digested cheap-postage system is the best means of diffusing intelligence among the people, and is of so much importance in a country so extensive as that of the United States that I recommend to your favorable consideration the suggestions of the Postmaster-General for its improvement.

Nothing can retard the onward progress of our country and prevent us from assuming and maintaining the first rank among nations but a disregard of the experience of the past and a recurrence to an unwise public policy. We have just closed a foreign war by an honorable peace—a war rendered necessary and unavoidable in vindication of the national

rights and honor. The present condition of the country is similar in some respects to that which existed immediately after the close of the war with Great Britain in 1815, and the occasion is deemed to be a proper one to take a retrospect of the measures of public policy which followed that war. There was at that period of our history a departure from our earlier policy. The enlargement of the powers of the Federal Government by *construction*, which obtained, was not warranted by any just interpretation of the Constitution. A few years after the close of that war a series of measures was adopted which, united and combined, constituted what was termed by their authors and advocates the "American system."

The introduction of the new policy was for a time favored by the condition of the country, by the heavy debt which had been contracted during the war, by the depression of the public credit, by the deranged state of the finances and the currency, and by the commercial and pecuniary embarrassment which extensively prevailed. These were not the only causes which led to its establishment. The events of the war with Great Britain and the embarrassments which had attended its prosecution had left on the minds of many of our statesmen the impression that our Government was not strong enough, and that to wield its resources successfully in great emergencies, and especially in war, more power should be concentrated in its hands. This increased power they did not seek to obtain by the legitimate and prescribed mode—an amendment of the Constitution—but by *construction*. They saw Governments in the Old World based upon different orders of society, and so constituted as to throw the whole power of nations into the hands of a few, who taxed and controlled the many without responsibility or restraint. In that arrangement they conceived the strength of nations in war consisted. There was also something fascinating in the ease, luxury, and display of the higher orders, who drew their wealth from the toil of the laboring millions. The authors of the system drew their ideas of political economy from what they had witnessed in Europe, and particularly in Great Britain. They had viewed the enormous wealth concentrated in few hands and had seen the splendor of the overgrown establishments of an aristocracy which was upheld by the restrictive policy. They forgot to look down upon the poorer classes of the English population, upon whose daily and yearly labor the great establishments they so much admired were sustained and supported. They failed to perceive that the scantily fed and half-clad operatives were not only in abject poverty, but were bound in chains of oppressive servitude for the benefit of favored classes, who were the exclusive objects of the care of the Government.

It was not possible to reconstruct society in the United States upon the European plan. Here there was a written Constitution, by which orders and titles were not recognized or tolerated. A system of measures was therefore divised, calculated, if not intended, to withdraw power gradu-

ally and silently from the States and the mass of the people, and by *construction* to approximate our Government to the European models, substituting an aristocracy of wealth for that of orders and titles.

Without reflecting upon the dissimilarity of our institutions and of the condition of our people and those of Europe, they conceived the vain idea of building up in the United States a system similar to that which they admired abroad. Great Britain had a national bank of large capital, in whose hands was concentrated the controlling monetary and financial power of the nation—an institution wielding almost kingly power, and exerting vast influence upon all the operations of trade and upon the policy of the Government itself. Great Britain had an enormous public debt, and it had become a part of her public policy to regard this as a "public blessing." Great Britain had also a restrictive policy, which placed fetters and burdens on trade and trammeled the productive industry of the mass of the nation. By her combined system of policy the landlords and other property holders were protected and enriched by the enormous taxes which were levied upon the labor of the country for their advantage. Imitating this foreign policy, the first step in establishing the new system in the United States was the creation of a national bank. Not foreseeing the dangerous power and countless evils which such an institution might entail on the country, nor perceiving the connection which it was designed to form between the bank and the other branches of the miscalled "American system," but feeling the embarrassments of the Treasury and of the business of the country consequent upon the war, some of our statesmen who had held different and sounder views were induced to yield their scruples and, indeed, settled convictions of its unconstitutionality, and to give it their sanction as an expedient which they vainly hoped might produce relief. It was a most unfortunate error, as the subsequent history and final catastrophe of that dangerous and corrupt institution have abundantly proved. The bank, with its numerous branches ramified into the States, soon brought many of the active political and commercial men in different sections of the country into the relation of debtors to it and dependents upon it for pecuniary favors, thus diffusing throughout the mass of society a great number of individuals of power and influence to give tone to public opinion and to act in concert in cases of emergency. The corrupt power of such a political engine is no longer a matter of speculation, having been displayed in numerous instances, but most signally in the political struggles of 1832, 1833, and 1834 in opposition to the public will represented by a fearless and patriotic President.

But the bank was but one branch of the new system. A public debt of more than $120,000,000 existed, and it is not to be disguised that many of the authors of the new system did not regard its speedy payment as essential to the public prosperity, but looked upon its continuance as no national evil. Whilst the debt existed it furnished aliment to the

national bank and rendered increased taxation necessary to the amount of the interest, exceeding $7,000,000 annually.

This operated in harmony with the next branch of the new system, which was a high protective tariff. This was to afford bounties to favored classes and particular pursuits at the expense of all others. A proposition to tax the whole people for the purpose of enriching a few was too monstrous to be openly made. The scheme was therefore veiled under the plausible but delusive pretext of a measure to protect "home industry," and many of our people were for a time led to believe that a tax which in the main fell upon labor was for the benefit of the laborer who paid it. This branch of the system involved a partnership between the Government and the favored classes, the former receiving the proceeds of the tax imposed on articles imported and the latter the increased price of similar articles produced at home, caused by such tax. It is obvious that the portion to be received by the favored classes would, as a general rule, be increased in proportion to the increase of the rates of tax imposed and diminished as those rates were reduced to the revenue standard required by the wants of the Government. The rates required to produce a sufficient revenue for the ordinary expenditures of Government for necessary purposes were not likely to give to the private partners in this scheme profits sufficient to satisfy their cupidity, and hence a variety of expedients and pretexts were resorted to for the purpose of enlarging the expenditures and thereby creating a necessity for keeping up a high protective tariff. The effect of this policy was to interpose artificial restrictions upon the natural course of the business and trade of the country, and to advance the interests of large capitalists and monopolists at the expense of the great mass of the people, who were taxed to increase their wealth.

Another branch of this system was a comprehensive scheme of internal improvements, capable of indefinite enlargement and sufficient to swallow up as many millions annually as could be exacted from the foreign commerce of the country. This was a convenient and necessary adjunct of the protective tariff. It was to be the great absorbent of any surplus which might at any time accumulate in the Treasury and of the taxes levied on the people, not for necessary revenue purposes, but for the avowed object of affording protection to the favored classes.

Auxiliary to the same end, if it was not an essential part of the system itself, was the scheme, which at a later period obtained, for distributing the proceeds of the sales of the public lands among the States. Other expedients were devised to take money out of the Treasury and prevent its coming in from any other source than the protective tariff. The authors and supporters of the system were the advocates of the largest expenditures, whether for necessary or useful purposes or not, because the larger the expenditures the greater was the pretext for high taxes in the form of protective duties.

These several measures were sustained by popular names and plausible arguments, by which thousands were deluded. The bank was represented to be an indispensable fiscal agent for the Government; was to equalize exchanges and to regulate and furnish a sound currency, always and everywhere of uniform value. The protective tariff was to give employment to "American labor" at advanced prices; was to protect "home industry" and furnish a steady market for the farmer. Internal improvements were to bring trade into every neighborhood and enhance the value of every man's property. The distribution of the land money was to enrich the States, finish their public works, plant schools throughout their borders, and relieve them from taxation. But the fact that for every dollar taken out of the Treasury for these objects a much larger sum was transferred from the pockets of the people to the favored classes was carefully concealed, as was also the tendency, if not the ultimate design, of the system to build up an aristocracy of wealth, to control the masses of society, and monopolize the political power of the country.

The several branches of this system were so intimately blended together that in their operation each sustained and strengthened the others. Their joint operation was to add new burthens of taxation and to encourage a largely increased and wasteful expenditure of public money. It was the interest of the bank that the revenue collected and the disbursements made by the Government should be large, because, being the depository of the public money, the larger the amount the greater would be the bank profits by its use. It was the interest of the favored classes, who were enriched by the protective tariff, to have the rates of that protection as high as possible, for the higher those rates the greater would be their advantage. It was the interest of the people of all those sections and localities who expected to be benefited by expenditures for internal improvements that the amount collected should be as large as possible, to the end that the sum disbursed might also be the larger. The States, being the beneficiaries in the distribution of the land money, had an interest in having the rates of tax imposed by the protective tariff large enough to yield a sufficient revenue from that source to meet the wants of the Government without disturbing or taking from them the land fund; so that each of the branches constituting the system had a common interest in swelling the public expenditures. They had a direct interest in maintaining the public debt unpaid and increasing its amount, because this would produce an annual increased drain upon the Treasury to the amount of the interest and render augmented taxes necessary. The operation and necessary effect of the whole system were to encourage large and extravagant expenditures, and thereby to increase the public patronage, and maintain a rich and splendid government at the expense of a taxed and impoverished people.

It is manifest that this scheme of enlarged taxation and expenditures,

had it continued to prevail, must soon have converted the Government of the Union, intended by its framers to be a plain, cheap, and simple confederation of States, united together for common protection and charged with a few specific duties, relating chiefly to our foreign affairs, into a consolidated empire, depriving the States of their reserved rights and the people of their just power and control in the administration of their Government. In this manner the whole form and character of the Government would be changed, not by an amendment of the Constitution, but by resorting to an unwarrantable and unauthorized construction of that instrument.

The indirect mode of levying the taxes by a duty on imports prevents the mass of the people from readily perceiving the amount they pay, and has enabled the few who are thus enriched, and who seek to wield the political power of the country, to deceive and delude them. Were the taxes collected by a direct levy upon the people, as is the case in the States, this could not occur.

The whole system was resisted from its inception by many of our ablest statesmen, some of whom doubted its constitutionality and its expediency, while others believed it was in all its branches a flagrant and dangerous infraction of the Constitution.

That a national bank, a protective tariff—levied not to raise the revenue needed, but for protection merely—internal improvements, and the distribution of the proceeds of the sale of the public lands are measures without the warrant of the Constitution would, upon the maturest consideration, seem to be clear. It is remarkable that no one of these measures, involving such momentous consequences, is authorized by any express grant of power in the Constitution. No one of them is "incident to, as being necessary and proper for the execution of, the specific powers" granted by the Constitution. The authority under which it has been attempted to justify each of them is derived from inferences and constructions of the Constitution which its letter and its whole object and design do not warrant. Is it to be conceived that such immense powers would have been left by the framers of the Constitution to mere inferences and doubtful constructions? Had it been intended to confer them on the Federal Government, it is but reasonable to conclude that it would have been done by plain and unequivocal grants. This was not done; but the whole structure of which the "American system" consisted was reared on no other or better foundation than forced implications and inferences of power, which its authors assumed might be deduced by construction from the Constitution.

But it has been urged that the national bank, which constituted so essential a branch of this combined system of measures, was not a new measure, and that its constitutionality had been previously sanctioned, because a bank had been chartered in 1791 and had received the official signature of President Washington. A few facts will show the just

weight to which this precedent should be entitled as bearing upon the question of constitutionality.

Great division of opinion upon the subject existed in Congress. It is well known that President Washington entertained serious doubts both as to the constitutionality and expediency of the measure, and while the bill was before him for his official approval or disapproval so great were these doubts that he required "the opinion in writing" of the members of his Cabinet to aid him in arriving at a decision. His Cabinet gave their opinions and were divided upon the subject, *General Hamilton* being in favor of and *Mr. Jefferson* and *Mr. Randolph* being opposed to the constitutionality and expediency of the bank. It is well known also that President Washington retained the bill from Monday, the 14th, when it was presented to him, until Friday, the 25th of February, being the last moment permitted him by the Constitution to deliberate, when he finally yielded to it his reluctant assent and gave it his signature. It is certain that as late as the 23d of February, being the ninth day after the bill was presented to him, he had arrived at no satisfactory conclusion, for on that day he addressed a note to General Hamilton in which he informs him that "this bill was presented to me by the joint committee of Congress at 12 o'clock on Monday, the 14th instant," and he requested his opinion "to what precise period, by legal interpretation of the Constitution, can the President retain it in his possession before it becomes a law by the lapse of ten days." If the proper construction was that the day on which the bill was presented to the President and the day on which his action was had upon it were both to be counted inclusive, then the time allowed him within which it would be competent for him to return it to the House in which it originated with his objections would expire on Thursday, the 24th of February. General Hamilton on the same day returned an answer, in which he states:

> I give it as my opinion that you have ten days exclusive of that on which the bill was delivered to you and Sundays; hence, in the present case if it is returned on Friday it will be in time.

By this construction, which the President adopted, he gained another day for deliberation, and it was not until the 25th of February that he signed the bill, thus affording conclusive proof that he had at last obtained his own consent to sign it not without great and almost insuperable difficulty. Additional light has been recently shed upon the serious doubts which he had on the subject, amounting at one time to a conviction that it was his duty to withhold his approval from the bill. This is found among the manuscript papers of *Mr. Madison*, authorized to be purchased for the use of the Government by an act of the last session of Congress, and now for the first time accessible to the public. From these papers it appears that President Washington, while he yet held the bank bill in his hands, actually requested *Mr. Madison*, at that time a member of the House of Representatives, to prepare the draft of a veto

message for him. *Mr. Madison*, at his request, did prepare the draft of such a message, and sent it to him on the 21st of February, 1791. A copy of this original draft, in Mr. Madison's own handwriting, was carefully preserved by him, and is among the papers lately purchased by Congress. It is preceded by a note, written on the same sheet, which is also in Mr. Madison's handwriting, and is as follows:

February 21, 1791.—Copy of a paper made out and sent to the President, *at his request*, to be ready in case his judgment should finally decide against the bill for incorporating a national bank, the bill being then before him.

Among the objections assigned in this paper to the bill, and which were submitted for the consideration of the President, are the following:

I object to the bill, because it is an essential principle of the Government that powers not delegated by the Constitution can not be rightfully exercised; because the power proposed by the bill to be exercised is not expressly delegated, and because I can not satisfy myself that it results from any express power by fair and safe rules of interpretation.

The weight of the precedent of the bank of 1791 and the sanction of the great name of Washington, which has been so often invoked in its support, are greatly weakened by the development of these facts.

The experiment of that bank satisfied the country that it ought not to be continued, and at the end of twenty years Congress refused to recharter it. It would have been fortunate for the country, and saved thousands from bankruptcy and ruin, had our public men of 1816 resisted the temporary pressure of the times upon our financial and pecuniary interests and refused to charter the second bank. Of this the country became abundantly satisfied, and at the close of its twenty years' duration, as in the case of the first bank, it also ceased to exist. Under the repeated blows of *President Jackson* it reeled and fell, and a subsequent attempt to charter a similar institution was arrested by the *veto* of President Tyler.

Mr. Madison, in yielding his signature to the charter of 1816, did so upon the ground of the respect due to precedents; and, as he subsequently declared—

The Bank of the United States, though on the original question held to be unconstitutional, received the Executive signature.

It is probable that neither the bank of 1791 nor that of 1816 would have been chartered but for the embarrassments of the Government in its finances, the derangement of the currency, and the pecuniary pressure which existed, the first the consequence of the War of the Revolution and the second the consequence of the War of 1812. Both were resorted to in the delusive hope that they would restore public credit and afford relief to the Government and to the business of the country.

Those of our public men who opposed the whole "American system" at its commencement and throughout its progress foresaw and predicted that it was fraught with incalculable mischiefs and must result in

serious injury to the best interests of the country. For a series of years their wise counsels were unheeded, and the system was established. It was soon apparent that its practical operation was unequal and unjust upon different portions of the country and upon the people engaged in different pursuits. All were equally entitled to the favor and protection of the Government. It fostered and elevated the money power and enriched the favored few by taxing labor, and at the expense of the many. Its effect was to "make the rich richer and the poor poorer." Its tendency was to create distinctions in society based on wealth and to give to the favored classes undue control and sway in our Government. It was an organized money power, which resisted the popular will and sought to shape and control the public policy.

Under the pernicious workings of this combined system of measures the country witnessed alternate seasons of temporary apparent prosperity, of sudden and disastrous commercial revulsions, of unprecedented fluctuation of prices and depression of the great interests of agriculture, navigation, and commerce, of general pecuniary suffering, and of final bankruptcy of thousands. After a severe struggle of more than a quarter of a century, the system was overthrown.

The bank has been succeeded by a practical system of finance, conducted and controlled solely by the Government. The constitutional currency has been restored, the public credit maintained unimpaired even in a period of a foreign war, and the whole country has become satisfied that banks, national or State, are not necessary as fiscal agents of the Government. Revenue duties have taken the place of the protective tariff. The distribution of the money derived from the sale of the public lands has been abandoned and the corrupting system of internal improvements, it is hoped, has been effectually checked.

It is not doubted that if this whole train of measures, designed to take wealth from the many and bestow it upon the few, were to prevail the effect would be to change the entire character of the Government. One only danger remains. It is the seductions of that branch of the system which consists in internal improvements, holding out, as it does, inducements to the people of particular sections and localities to embark the Government in them without stopping to calculate the inevitable consequences. This branch of the system is so intimately combined and linked with the others that as surely as an effect is produced by an adequate cause, if it be resuscitated and revived and firmly established it requires no sagacity to foresee that it will necessarily and speedily draw after it the reestablishment of a national bank, the revival of a protective tariff, the distribution of the land money, and not only the postponement to the distant future of the payment of the present national debt, but its annual increase.

I entertain the solemn conviction that if the internal-improvement branch of the "American system" be not firmly resisted at this time the

whole series of measures composing it will be speedily reestablished and the country be thrown back from its present high state of prosperity, which the existing policy has produced, and be destined again to witness all the evils, commercial revulsions, depression of prices, and pecuniary embarrassments through which we have passed during the last twenty-five years.

To guard against consequences so ruinous is an object of high national importance, involving, in my judgment, the continued prosperity of the country.

I have felt it to be an imperative obligation to withhold my constitutional sanction from two bills which had passed the two Houses of Congress, involving the principle of the internal-improvement branch of the "American system" and conflicting in their provisions with the views here expressed.

This power, conferred upon the President by the Constitution, I have on three occasions during my administration of the executive department of the Government deemed it my duty to exercise, and on this last occasion of making to Congress an annual communication "of the state of the Union" it is not deemed inappropriate to review the principles and considerations which have governed my action. I deem this the more necessary because, after the lapse of nearly sixty years since the adoption of the Constitution, the propriety of the exercise of this undoubted constitutional power by the President has for the first time been drawn seriously in question by a portion of my fellow-citizens.

The Constitution provides that—

> Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve he *shall* sign it, but if not he *shall* return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it.

The preservation of the Constitution from infraction is the President's highest duty. He is bound to discharge that duty at whatever hazard of incurring the displeasure of those who may differ with him in opinion. He is bound to discharge it as well by his obligations to the people who have clothed him with his exalted trust as by his oath of office, which he may not disregard. Nor are the obligations of the President in any degree lessened by the prevalence of views different from his own in one or both Houses of Congress. It is not alone hasty and inconsiderate legislation that he is required to check; but if at any time Congress shall, after apparently full deliberation, resolve on measures which he deems subversive of the Constitution or of the vital interests of the country, it is his solemn duty to stand in the breach and resist them. The President is bound to approve or disapprove every bill which passes Congress and is presented to him for his signature. The Constitution makes this his duty, and he can not escape it if he would. He has no election. In

deciding upon any bill presented to him he must exercise his own best judgment. If he can not approve, the Constitution commands him to return the bill to the House in which it originated with his objections, and if he fail to do this within ten days (Sundays excepted) it shall become a law without his signature. Right or wrong, he may be overruled by a vote of two-thirds of each House, and in that event the bill becomes a law without his sanction. If his objections be not thus overruled, the subject is only postponed, and is referred to the States and the people for their consideration and decision. The President's power is negative merely, and not affirmative. He can enact no law. The only effect, therefore, of his withholding his approval of a bill passed by Congress is to suffer the existing laws to remain unchanged, and the delay occasioned is only that required to enable the States and the people to consider and act upon the subject in the election of public agents who will carry out their wishes and instructions. Any attempt to coerce the President to yield his sanction to measures which he can not approve would be a violation of the spirit of the Constitution, palpable and flagrant, and if successful would break down the independence of the executive department and make the President, elected by the people and clothed by the Constitution with power to defend their rights, the mere instrument of a majority of Congress. A surrender on his part of the powers with which the Constitution has invested his office would effect a practical alteration of that instrument without resorting to the prescribed process of amendment.

With the motives or considerations which may induce Congress to pass any bill the President can have nothing to do. He must presume them to be as pure as his own, and look only to the practical effect of their measures when compared with the Constitution or the public good.

But it has been urged by those who object to the exercise of this undoubted constitutional power that it assails the representative principle and the capacity of the people to govern themselves; that there is greater safety in a numerous representative body than in the single Executive created by the Constitution, and that the Executive veto is a "one-man power," despotic in its character. To expose the fallacy of this objection it is only necessary to consider the frame and true character of our system. Ours is not a consolidated empire, but a confederated union. The States before the adoption of the Constitution were coordinate, coequal, and separate independent sovereignties, and by its adoption they did not lose that character. They clothed the Federal Government with certain powers and reserved all others, including their own sovereignty, to themselves. They guarded their own rights as States and the rights of the people by the very limitations which they incorporated into the Federal Constitution, whereby the different departments of the General Government were checks upon each other. That the majority should govern is a general principle controverted by none, but they must govern according to the Constitution, and not according to an undefined and unrestrained discretion, whereby they may oppress the minority.

The people of the United States are not blind to the fact that they may be temporarily misled, and that their representatives, legislative and executive, may be mistaken or influenced in their action by improper motives. They have therefore interposed between themselves and the laws which may be passed by their public agents various representations, such as assemblies, senates, and governors in their several States, a House of Representatives, a Senate, and a President of the United States. The people can by their own direct agency make no law, nor can the House of Representatives, immediately elected by them, nor can the Senate, nor can both together without the concurrence of the President or a vote of two-thirds of both Houses.

Happily for themselves, the people in framing our admirable system of government were conscious of the infirmities of their representatives, and in delegating to them the power of legislation they have fenced them around with checks to guard against the effects of hasty action, of error, of combination, and of possible corruption. Error, selfishness, and faction have often sought to rend asunder this web of checks and subject the Government to the control of fanatic and sinister influences, but these efforts have only satisfied the people of the wisdom of the checks which they have imposed and of the necessity of preserving them unimpaired.

The true theory of our system is not to govern by the acts or decrees of any one set of representatives. The Constitution interposes checks upon all branches of the Government, in order to give time for error to be corrected and delusion to pass away; but if the people settle down into a firm conviction different from that of their representatives they give effect to their opinions by changing their public servants. The checks which the people imposed on their public servants in the adoption of the Constitution are the best evidence of their capacity for self-government. They know that the men whom they elect to public stations are of like infirmities and passions with themselves, and not to be trusted without being restricted by coordinate authorities and constitutional limitations. Who that has witnessed the legislation of Congress for the last thirty years will say that he knows of no instance in which measures not demanded by the public good have been carried? Who will deny that in the State governments, by combinations of individuals and sections, in derogation of the general interest, banks have been chartered, systems of internal improvements adopted, and debts entailed upon the people repressing their growth and impairing their energies for years to come?

After so much experience it can not be said that absolute unchecked power is safe in the hands of any one set of representatives, or that the capacity of the people for self-government, which is admitted in its broadest extent, is a conclusive argument to prove the prudence, wisdom, and integrity of their representatives.

The people, by the Constitution, have commanded the President, as

much as they have commanded the legislative branch of the Government, to execute their will. They have said to him in the Constitution, which they require he shall take a solemn oath to support, that if Congress pass any bill which he can not approve "he shall return it to the House in which it originated with his objections." In withholding from it his approval and signature he is executing the will of the people, constitutionally expressed, as much as the Congress that passed it. No bill is presumed to be in accordance with the popular will until it shall have passed through all the branches of the Government required by the Constitution to make it a law. A bill which passes the House of Representatives may be rejected by the Senate, and so a bill passed by the Senate may be rejected by the House. In each case the respective Houses exercise the veto power on the other.

Congress, and each House of Congress, hold under the Constitution a check upon the President, and he, by the power of the qualified veto, a check upon Congress. When the President recommends measures to Congress, he avows in the most solemn form his opinions, gives his voice in their favor, and pledges himself in advance to approve them if passed by Congress. If he acts without due consideration, or has been influenced by improper or corrupt motives, or if from any other cause Congress, or either House of Congress, shall differ with him in opinion, they exercise their *veto* upon his recommendations and reject them; and there is no appeal from their decision but to the people at the ballot box. These are proper checks upon the Executive, wisely interposed by the Constitution. None will be found to object to them or to wish them removed. It is equally important that the constitutional checks of the Executive upon the legislative branch should be preserved.

If it be said that the Representatives in the popular branch of Congress are chosen directly by the people, it is answered, the people elect the President. If both Houses represent the States and the people, so does the President. The President represents in the executive department the whole people of the United States, as each member of the legislative department represents portions of them.

The doctrine of restriction upon legislative and executive power, while a well-settled public opinion is enabled within a reasonable time to accomplish its ends, has made our country what it is, and has opened to us a career of glory and happiness to which all other nations have been strangers.

In the exercise of the power of the veto the President is responsible not only to an enlightened public opinion, but to the people of the whole Union, who elected him, as the representatives in the legislative branches who differ with him in opinion are responsible to the people of particular States or districts, who compose their respective constituencies. To deny to the President the exercise of this power would be to repeal that provision of the Constitution which confers it upon him. To charge that

its exercise unduly controls the legislative will is to complain of the Constitution itself.

If the Presidential veto be objected to upon the ground that it checks and thwarts the popular will, upon the same principle the equality of representation of the States in the Senate should be stricken out of the Constitution. The vote of a Senator from Delaware has equal weight in deciding upon the most important measures with the vote of a Senator from New York, and yet the one represents a State containing, according to the existing apportionment of Representatives in the House of Representatives, but one thirty-fourth part of the population of the other. By the constitutional composition of the Senate a majority of that body from the smaller States represent less than one-fourth of the people of the Union. There are thirty States, and under the existing apportionment of Representatives there are 230 Members in the House of Representatives. Sixteen of the smaller States are represented in that House by but 50 Members, and yet the Senators from these States constitute a majority of the Senate. So that the President may recommend a measure to Congress, and it may receive the sanction and approval of more than three-fourths of the House of Representatives and of all the Senators from the large States, containing more than three-fourths of the whole population of the United States, and yet the measure may be defeated by the votes of the Senators from the smaller States. None, it is presumed, can be found ready to change the organization of the Senate on this account, or to strike that body practically out of existence by requiring that its action shall be conformed to the will of the more numerous branch.

Upon the same principle that the *veto* of the President should be practically abolished the power of the Vice-President to give the casting vote upon an equal division of the Senate should be abolished also. The Vice-President exercises the *veto* power as effectually by rejecting a bill by his casting vote as the President does by refusing to approve and sign it. This power has been exercised by the Vice-President in a few instances, the most important of which was the rejection of the bill to recharter the Bank of the United States in 1811. It may happen that a bill may be passed by a large majority of the House of Representatives, and may be supported by the Senators from the larger States, and the Vice-President may reject it by giving his vote with the Senators from the smaller States; and yet none, it is presumed, are prepared to deny to him the exercise of this power under the Constitution.

But it is, in point of fact, untrue that an act passed by Congress is conclusive evidence that it is an emanation of the popular will. A majority of the whole number elected to each House of Congress constitutes a quorum, and a majority of that quorum is competent to pass laws. It might happen that a quorum of the House of Representatives, consisting of a single member more than half of the whole number elected to

that House, might pass a bill by a majority of a single vote, and in that case a fraction more than one-fourth of the people of the United States would be represented by those who voted for it. It might happen that the same bill might be passed by a majority of one of a quorum of the Senate, composed of Senators from the fifteen smaller States and a single Senator from a sixteenth State; and if the Senators voting for it happened to be from the eight of the smallest of these States, it would be passed by the votes of Senators from States having but fourteen Representatives in the House of Representatives, and containing less than one-sixteenth of the whole population of the United States. This extreme case is stated to illustrate the fact that the mere passage of a bill by Congress is no conclusive evidence that those who passed it represent the majority of the people of the United States or truly reflect their will. If such an extreme case is not likely to happen, cases that approximate it are of constant occurrence. It is believed that not a single law has been passed since the adoption of the Constitution upon which all the members elected to both Houses have been present and voted. Many of the most important acts which have passed Congress have been carried by a close vote in thin Houses. Many instances of this might be given. Indeed, our experience proves that many of the most important acts of Congress are postponed to the last days, and often the last hours, of a session, when they are disposed of in haste, and by Houses but little exceeding the number necessary to form a quorum.

Besides, in most of the States the members of the House of Representatives are chosen by pluralities, and not by majorities of all the voters in their respective districts, and it may happen that a majority of that House may be returned by a less aggregate vote of the people than that received by the minority.

If the principle insisted on be sound, then the Constitution should be so changed that no bill shall become a law unless it is voted for by members representing in each House a majority of the whole people of the United States. We must remodel our whole system, strike down and abolish not only the salutary checks lodged in the executive branch, but must strike out and abolish those lodged in the Senate also, and thus practically invest the whole power of the Government in a majority of a single assembly—a majority uncontrolled and absolute, and which may become despotic. To conform to this doctrine of the right of majorities to rule, independent of the checks and limitations of the Constitution, we must revolutionize our whole system; we must destroy the constitutional compact by which the several States agreed to form a Federal Union and rush into consolidation, which must end in monarchy or despotism. No one advocates such a proposition, and yet the doctrine maintained, if carried out, must lead to this result.

One great object of the Constitution in conferring upon the President a qualified negative upon the legislation of Congress was to protect minorities from injustice and oppression by majorities. The equality of their representation in the Senate and the veto power of the President are the

constitutional guaranties which the smaller States have that their rights will be respected. Without these guaranties all their interests would be at the mercy of majorities in Congress representing the larger States. To the smaller and weaker States, therefore, the preservation of this power and its exercise upon proper occasions demanding it is of vital importance. They ratified the Constitution and entered into the Union, securing to themselves an equal representation with the larger States in the Senate; and they agreed to be bound by all laws passed by Congress upon the express condition, and none other, that they should be approved by the President or passed, his objections to the contrary notwithstanding, by a vote of two-thirds of both Houses. Upon this condition they have a right to insist as a part of the compact to which they gave their assent.

A bill might be passed by Congress against the will of the whole people of a particular State and against the votes of its Senators and all its Representatives. However prejudicial it might be to the interests of such State, it would be bound by it if the President shall approve it or it shall be passed by a vote of two-thirds of both Houses; but it has a right to demand that the President shall exercise his constitutional power and arrest it if his judgment is against it. If he surrender this power, or fail to exercise it in a case where he can not approve, it would make his formal approval a mere mockery, and would be itself a violation of the Constitution, and the dissenting State would become bound by a law which had not been passed according to the sanctions of the Constitution.

The objection to the exercise of the *veto* power is founded upon an idea respecting the popular will, which, if carried out, would annihilate State sovereignty and substitute for the present Federal Government a consolidation directed by a supposed numerical majority. A revolution of the Government would be silently effected and the States would be subjected to laws to which they had never given their constitutional consent.

The Supreme Court of the United States is invested with the power to declare, and has declared, acts of Congress passed with the concurrence of the Senate, the House of Representatives, and the approval of the President to be unconstitutional and void, and yet none, it is presumed, can be found who will be disposed to strip this highest judicial tribunal under the Constitution of this acknowledged power—a power necessary alike to its independence and the rights of individuals.

For the same reason that the Executive veto should, according to the doctrine maintained, be rendered nugatory, and be practically expunged from the Constitution, this power of the court should also be rendered nugatory and be expunged, because it restrains the legislative and Executive will, and because the exercise of such a power by the court may be regarded as being in conflict with the capacity of the people to govern themselves. Indeed, there is more reason for striking this power of the

court from the Constitution than there is that of the qualified veto of the President, because the decision of the court is final, and can never be reversed even though both Houses of Congress and the President should be unanimous in opposition to it, whereas the veto of the President may be overruled by a vote of two-thirds of both Houses of Congress or by the people at the polls.

It is obvious that to preserve the system established by the Constitution each of the coordinate branches of the Government—the executive, legislative, and judicial—must be left in the exercise of its appropriate powers. If the executive or the judicial branch be deprived of powers conferred upon either as checks on the legislative, the preponderance of the latter will become disproportionate and absorbing and the others impotent for the accomplishment of the great objects for which they were established. Organized, as they are, by the Constitution, they work together harmoniously for the public good. If the Executive and the judiciary shall be deprived of the constitutional powers invested in them, and of their due proportions, the equilibrium of the system must be destroyed, and consolidation, with the most pernicious results, must ensue—a consolidation of unchecked, despotic power, exercised by majorities of the legislative branch.

The executive, legislative, and judicial each constitutes a separate coordinate department of the Government, and each is independent of the others. In the performance of their respective duties under the Constitution neither can in its legitimate action control the others. They each act upon their several responsibilities in their respective spheres. But if the doctrines now maintained be correct, the executive must become practically subordinate to the legislative, and the judiciary must become subordinate to both the legislative and the executive; and thus the whole power of the Government would be merged in a single department. Whenever, if ever, this shall occur, our glorious system of well-regulated self-government will crumble into ruins, to be succeeded, first by anarchy, and finally by monarchy or despotism. I am far from believing that this doctrine is the sentiment of the American people; and during the short period which remains in which it will be my duty to administer the executive department it will be my aim to maintain its independence and discharge its duties without infringing upon the powers or duties of either of the other departments of the Government.

The power of the Executive veto was exercised by the first and most illustrious of my predecessors and by four of his successors who preceded me in the administration of the Government, and it is believed in no instance prejudicially to the public interests. It has never been and there is but little danger that it ever can be abused. No President will ever desire unnecessarily to place his opinion in opposition to that of Congress. He must always exercise the power reluctantly, and only in cases where his convictions make it a matter of stern duty, which he can

not escape. Indeed, there is more danger that the President, from the repugnance he must always feel to come in collision with Congress, may fail to exercise it in cases where the preservation of the Constitution from infraction, or the public good, may demand it than that he will ever exercise it unnecessarily or wantonly.

During the period I have administered the executive department of the Government great and important questions of public policy, foreign and domestic, have arisen, upon which it was my duty to act. It may, indeed, be truly said that my Administration has fallen upon eventful times. I have felt most sensibly the weight of the high responsibilities devolved upon me. With no other object than the public good, the enduring fame, and permanent prosperity of my country, I have pursued the convictions of my own best judgment. The impartial arbitrament of enlightened public opinion, present and future, will determine how far the public policy I have maintained and the measures I have from time to time recommended may have tended to advance or retard the public prosperity at home and to elevate or depress the estimate of our national character abroad.

Invoking the blessings of the Almighty upon your deliberations at your present important session, my ardent hope is that in a spirit of harmony and concord you may be guided to wise results, and such as may redound to the happiness, the honor, and the glory of our beloved country.

JAMES K. POLK.

SPECIAL MESSAGES.

WASHINGTON, *December 12, 1848.*

To the Senate of the United States:

I nominate Second Lieutenant Ulysses S. Grant (since promoted first lieutenant), of the Fourth Regiment of Infantry, to be first lieutenant by brevet for gallant and meritorious services in the battle of Chapultepec, September 13, 1847, as proposed in the accompanying communication from the Secretary of War.

JAMES K. POLK.

WAR DEPARTMENT, *December 11, 1848.*

THE PRESIDENT OF THE UNITED STATES.

SIR: The brevet of captain conferred on Second Lieutenant Ulysses S. Grant (since promoted first lieutenant), of the Fourth Regiment of Infantry, and confirmed by the Senate on the 13th of July, 1848, "for gallant and meritorious conduct in the battle of Chapultepec, September 13, 1847," being the result of a misapprehension as to the grade held by that officer on the 13th of September, 1847 (he being then a second lieutenant), I have to propose that the brevet of captain be canceled

and that the brevet of first lieutenant "for gallant and meritorious services in the battle of Chapultepec, September 13, 1847," be conferred in lieu thereof.

I am, sir, with great respect, your obedient servant,

W. L. MARCY.

WASHINGTON, *December 12, 1848.*

To the Senate of the United States:

I transmit herewith, for the consideration and advice of the Senate with regard to its ratification, a treaty concluded on the 6th of August, 1848, by L. E. Powell, on the part of the United States, and the chiefs and headmen of the confederated bands of the Pawnee Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

JAMES K. POLK.

WASHINGTON, *December 12, 1848.*

To the Senate of the United States:

I transmit herewith, for the consideration and advice of the Senate with regard to its ratification, a treaty concluded on the 18th of October, 1848, by William Medill, Commissioner of Indian Affairs, on the part of the United States, and the chiefs and headmen of the Menomonee Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

JAMES K. POLK.

WASHINGTON, *December 27, 1848.*

To the House of Representatives:

In compliance with the resolution of the House of the 11th instant, requesting the President to inform that body "whether he has received any information that American citizens have been imprisoned or arrested by British authorities in Ireland, and, if so, what have been the causes thereof and what steps have been taken for their release, and if not, in his opinion, inconsistent with public interest to furnish this House with copies of all correspondence in relation thereto," I communicate herewith a report of the Secretary of State, together with the accompanying correspondence upon the subject.

JAMES K. POLK.

WASHINGTON, *December 27, 1848.*

To the Senate of the United States:

I communicate herewith, in compliance with the request contained in the resolution of the Senate of the 19th instant, a report of the Secretary of the Treasury, with the accompanying statement, prepared by the Register of the Treasury, which exhibits the annual amount appropriated on account of the Coast Survey from the commencement of said Survey.

JAMES K. POLK.

WASHINGTON, *January 2, 1849.*

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 18th of December, 1848, requesting information "under what law or provision of the Constitution, or by what other authority," the Secretary of the Treasury, with the "sanction and approval" of the President, established "a tariff of duties in the ports of the Mexican Republic during the war with Mexico," and "by what legal, constitutional, or other authority" the "revenue thus derived" was appropriated to "the support of the Army in Mexico," I refer the House to my annual message of the 7th of December, 1847, to my message to the Senate of the 10th of February, 1848, responding to a call of that body, a copy of which is herewith communicated, and to my message to the House of Representatives of the 24th of July, 1848, responding to a call of that House. The resolution assumes that the Secretary of the Treasury "established a tariff of duties in the ports of the Mexican Republic." The contributions collected in this mode were not established by the Secretary of the Treasury, but by a military order issued by the President through the War and Navy Departments. For his information the President directed the Secretary of the Treasury to prepare and report to him a scale of duties. That report was made, and the President's military order of the 31st of March, 1847, was based upon it. The documents communicated to Congress with my annual message of December, 1847, show the true character of that order.

The authority under which military contributions were exacted and collected from the enemy and applied to the support of our Army during the war with Mexico was stated in the several messages referred to. In the first of these messages I informed Congress that—

> On the 31st of March last I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions toward defraying the expenses of the war. By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our Navy the revenue derived from import duties under the laws of Mexico was paid into the Mexican treasury. After these ports had fallen into our military possession the blockade was raised and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico, and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our military and naval officers and applied to the use of our Army and Navy. Care was taken that the officers, soldiers, and sailors of our Army and Navy should be exempted from the operations of the order, and, as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were in effect the seizure of the public revenues of Mexico and the applica-

tion of them to our own use. In directing this measure the object was to compel the enemy to contribute as far as practicable toward the expenses of the war.

It was also stated in that message that—

Measures have recently been adopted by which the internal as well as the external revenues of Mexico in all places in our military occupation will be seized and appropriated to the use of our Army and Navy.

The policy of levying upon the enemy contributions in every form consistently with the laws of nations, which it may be practicable for our military commanders to adopt, should, in my judgment, be rigidly enforced, and orders to this effect have accordingly been given. By such a policy, at the same time that our own Treasury will be relieved from a heavy drain, the Mexican people will be made to feel the burdens of the war, and, consulting their own interests, may be induced the more readily to require their rulers to accede to a just peace.

In the same message I informed Congress that the amount of the "loan" which would be required for the further prosecution of the war might be "reduced by whatever amount of expenditures can be saved by military contributions collected in Mexico," and that "the most rigorous measures for the augmentation of these contributions have been directed, and a very considerable sum is expected from that source." The Secretary of the Treasury, in his annual report of that year, in making his estimate of the amount of loan which would probably be required, reduced the sum in consideration of the amount which would probably be derived from these contributions, and Congress authorized the loan upon this reduced estimate.

In the message of the 10th of February, 1848, to the Senate, it was stated that—

No principle is better established than that a nation at war has the right of shifting the burden off itself and imposing it on the enemy by exacting military contributions. The mode of making such exactions must be left to the discretion of the conqueror, but it should be exercised in a manner conformable to the rules of civilized warfare.

The right to levy these contributions is essential to the successful prosecution of war in an enemy's country, and the practice of nations has been in accordance with this principle. It is as clearly necessary as the right to fight battles, and its exercise is often essential to the subsistence of the army.

Entertaining no doubt that the military right to exclude commerce altogether from the ports of the enemy in our military occupation included the minor right of admitting it under prescribed conditions, it became an important question at the date of the order whether there should be a discrimination between vessels and cargoes belonging to citizens of the United States and vessels and cargoes belonging to neutral nations.

In the message to the House of Representatives of the 24th of July, 1848, it was stated that—

It is from the same source of authority that we derive the unquestioned right, after the war has been declared by Congress, to blockade the ports and coasts of the enemy, to capture his towns, cities, and provinces, and to levy contributions upon him for the support of our Army. Of the same character with these is the right to subject to our temporary military government the conquered territories of our

enemy. They are all belligerent rights, and their exercise is as essential to the successful prosecution of a foreign war as the right to fight battles.

By the Constitution the power to "declare war" is vested in Congress, and by the same instrument it is provided that "the President shall be Commander in Chief of the Army and Navy of the United States" and that "he shall take care that the laws be faithfully executed."

When Congress have exerted their power by declaring war against a foreign nation, it is the duty of the President to prosecute it. The Constitution has prescribed no particular mode in which he shall perform this duty. The manner of conducting the war is not defined by the Constitution. The term *war* used in that instrument has a well-understood meaning among nations. That meaning is derived from the laws of nations, a code which is recognized by all civilized powers as being obligatory in a state of war. The power is derived from the Constitution and the manner of exercising it is regulated by the laws of nations. When Congress have declared war, they in effect make it the duty of the President in prosecuting it, by land and sea, to resort to all the modes and to exercise all the powers and rights which other nations at war possess. He is invested with the same power in this respect as if he were personally present commanding our fleets by sea or our armies by land. He may conduct the war by issuing orders for fighting battles, besieging and capturing cities, conquering and holding the provinces of the enemy, or by capturing his vessels and other property on the high seas. But these are not the only modes of prosecuting war which are recognized by the laws of nations and to which he is authorized to resort. The levy of contributions on the enemy is a right of war well established and universally acknowledged among nations, and one which every belligerent possessing the ability may properly exercise. The most approved writers on public law admit and vindicate this right as consonant with reason, justice, and humanity.

No principle is better established than that—

We have a right to deprive our enemy of his possessions, of everything which may augment his strength and enable him to make war. This everyone endeavors to accomplish in the manner most suitable to him. Whenever we have an opportunity we seize on the enemy's property and convert it to our own use, and thus, besides diminishing the enemy's power, we augment our own and obtain at least a partial indemnification or equivalent, either for what constitutes the subject of the war or for the expenses and losses incurred in its prosecution. In a word, we do ourselves justice.

"Instead of the custom of pillaging the open country and defenseless places," the levy of contributions has been "substituted."

Whoever carries on a just war has a right to make the enemy's country contribute to the support of his army and toward defraying all the charges of the war. Thus he obtains a part of what is due to him, and the enemy's subjects, by consenting to pay the sum demanded, have their property secured from pillage and the country is preserved.

These principles, it is believed, are uncontroverted by any civilized nation in modern times. The public law of nations, by which they are recognized, has been held by our highest judicial tribunal as a code which is applicable to our "situation" in a state of war and binding on the United States, while in admiralty and maritime cases it is often the governing rule. It is in a just war that a nation has the "right to make the enemy's country contribute to the support of his army." Not doubting that our late war with Mexico was just on the part of the United States, I did not hesitate when charged by the Constitution with its prosecution to exercise a power common to all other nations, and Congress was duly informed of the mode and extent to which that power had been and would be exercised at the commencement of their first session thereafter.

Upon the declaration of war against Mexico by Congress the United States were entitled to all the rights which any other nation at war would have possessed. These rights could only be demanded and enforced by the President, whose duty it was, as "Commander in Chief of the Army and Navy of the United States," to execute the law of Congress which declared the war. In the act declaring war Congress provided for raising men and money to enable the President "to prosecute it to a speedy and successful termination." Congress prescribed no mode of conducting it, but left the President to prosecute it according to the laws of nations as his guide. Indeed, it would have been impracticable for Congress to have provided for all the details of a campaign.

The mode of levying contributions must necessarily be left to the discretion of the conqueror, subject to be exercised, however, in conformity with the laws of nations. It may be exercised by requiring a given sum or a given amount of provisions to be furnished by the authorities of a captured city or province; it may be exercised by imposing an internal tax or a tax on the enemy's commerce, whereby he may be deprived of his revenues, and these may be appropriated to the use of the conqueror. The latter mode was adopted by the collection of duties in the ports of Mexico in our military occupation during the late war with that Republic.

So well established is the military right to do this under the laws of nations that our military and naval officers commanding our forces on the theater of war adopted the same mode of levying contributions from the enemy before the order of the President of the 31st of March, 1847, was issued. The general in command of the Army at Vera Cruz, upon his own view of his powers and duties, and without specific instructions to that effect, immediately after the capture of that city adopted this mode. By his order of the 28th of March, 1847, heretofore communicated to the House of Representatives, he directed a "temporary and moderate tariff of duties to be established." Such a tariff was established, and contributions were collected under it and applied to the uses

of our Army. At a still earlier period the same power was exercised by the naval officers in command of our squadron on the Pacific coast. * * * Not doubting the authority to resort to this mode, the order of the 31st of March, 1847, was issued, and was in effect but a modification of the previous orders of these officers, by making the rates of contribution uniform and directing their collection in all the ports of the enemy in our military occupation and under our temporary military government.

The right to levy contributions upon the enemy in the form of import and export duties in his ports was sanctioned by the treaty of peace with Mexico. By that treaty both Governments recognized * * * and confirmed the exercise of that right. By its provisions "the custom-houses at all the ports occupied by the forces of the United States" were, upon the exchange of ratifications, to be delivered up to the Mexican authorities, "together with all bonds and evidences of debt for duties on importations and exportations *not yet fallen due;*" and "all duties on imports and on exports collected at such custom-houses or elsewhere in Mexico by authority of the United States" before the ratification of the treaty by the Mexican Government were to be retained by the United States, and only the net amount of the duties collected after this period was to be "delivered to the Mexican Government." By its provisions also all merchandise "imported previously to the restoration of the custom-houses to the Mexican authorities" or "exported from any Mexican port whilst in the occupation of the forces of the United States" was protected from confiscation and from the payment of any import or export duties to the Mexican Government, even although the importation of such merchandise "be prohibited by the Mexican tariff." The treaty also provides that should the custom-houses be surrendered to the Mexican authorities in less than sixty days from the date of its signature, the rates of duty on merchandise imposed by the United States were in that event to survive the war until the end of this period; and in the meantime Mexican custom-house officers were bound to levy no other duties thereon "than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same." The "tariff found in force at such custom-houses," which is recognized and sustained by this stipulation, was that established by the military order of the 31st of March, 1847, as a mode of levying and collecting military contributions from the enemy.

The right to blockade the ports and coasts of the enemy in war is no more provided for or prescribed by the Constitution than the right to levy and collect contributions from him in the form of duties or otherwise, and yet it has not been questioned that the President had the power after war had been declared by Congress to order our Navy to blockade the ports and coasts of Mexico. The right in both cases exists under the laws of nations. If the President can not order military contributions

to be collected without an act of Congress, for the same reason he can not order a blockade; nor can he direct the enemy's vessels to be captured on the high seas; nor can he order our military and naval officers to invade the enemy's country, conquer, hold, and subject to our military government his cities and provinces; nor can he give to our military and naval commanders orders to perform many other acts essential to success in war.

If when the City of Mexico was captured the commander of our forces had found in the Mexican treasury public money which the enemy had provided to support his army, can it be doubted that he possessed the right to seize and appropriate it for the use of our own Army? If the money captured from the enemy could have been thus lawfully seized and appropriated, it would have been by virtue of the laws of war, recognized by all civilized nations; and by the same authority the sources of revenue and of supply of the enemy may be cut off from him, whereby he may be weakened and crippled in his means of continuing or waging the war. If the commanders of our forces, while acting under the orders of the President, in the heart of the enemy's country and surrounded by a hostile population, possess none of these essential and indispensable powers of war, but must halt the Army at every step of its progress and wait for an act of Congress to be passed to authorize them to do that which every other nation has the right to do by virtue of the laws of nations, then, indeed, is the Government of the United States in a condition of imbecility and weakness, which must in all future time render it impossible to prosecute a foreign war in an enemy's country successfully or to vindicate the national rights and the national honor by war.

The contributions levied were collected in the enemy's country, and were ordered to be "applied" in the enemy's country "toward defraying the expenses of the war," and the appropriations made by Congress for that purpose were thus relieved, and considerable balances remained undrawn from the Treasury. The amount of contributions remaining unexpended at the close of the war, as far as the accounts of collecting and disbursing officers have been settled, have been paid into the Treasury in pursuance of an order for that purpose, except the sum "applied toward the payment of the first installment due under the treaty with Mexico," as stated in my last annual message, for which an appropriation had been made by Congress. The accounts of some of these officers, as stated in the report of the Secretary of War accompanying that message, will require legislation before they can be finally settled.

In the late war with Mexico it is confidently believed that the levy of contributions and the seizure of the sources of public revenue upon which the enemy relied to enable him to continue the war essentially contributed to hasten peace. By those means the Government and people of Mexico were made to feel the pressure of the war and to realize

that if it were protracted its burdens and inconveniences must be borne by themselves. Notwithstanding the great success of our arms, it may well be doubted whether an honorable peace would yet have been obtained but for the very contributions which were exacted.

JAMES K. POLK.

WASHINGTON, *January 4, 1849.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention between the United States of America and the Government of Her Britannic Majesty, for the improvement of the communication by post between their respective territories, concluded and signed at London on the 15th December last, together with an explanatory dispatch from our minister at that Court.

JAMES K. POLK.

WASHINGTON, *January 29, 1849.*

To the Senate of the United States:

I communicate herewith a report of the Secretary of State, with the accompanying documents, in answer to a resolution of the Senate of the 21st December, 1848, requesting the President "to communicate to the Senate (if, in his opinion, not incompatible with the public service) a copy of the dispatches transmitted to the Secretary of State in August last by the resident minister at Rio de Janeiro in reference to the service and general conduct of Commodore G. W. Storer, commander in chief of the United States naval forces on the coast of Brazil."

JAMES K. POLK.

WASHINGTON, *January 29, 1849.*

To the House of Representatives of the United States:

I communicate herewith reports from the Secretary of War and the Secretary of the Navy, together with the accompanying documents, in answer to a resolution of the House of Representatives of December 20, 1848, requesting the President "to communicate to the House the amount of moneys and property received during the late war with the Republic of Mexico at the different ports of entry, or in any other way within her limits, and in what manner the same has been expended or appropriated."

JAMES K. POLK

WASHINGTON, *February 1, 1849*

To the Senate of the United States:

I communicate herewith reports from the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the

Navy, together with the accompanying documents, in answer to a resolution of the Senate of the 15th January, 1849, "that the petition and papers of John B. Emerson be referred to the President of the United States, and that he be requested to cause a report thereon to be made to the Senate, wherein the public officer making such report shall state in what cases, if any, the United States have used or employed the invention of said Emerson contrary to law, and, further, whether any compensation therefor is justly due to said Emerson, and, if so, to what amount in each case."

JAMES K. POLK.

WASHINGTON, *February 5, 1849.*

To the Senate of the United States:

I transmit herewith, for the consideration and advice of the Senate with regard to its ratification, a treaty concluded on the 24th day of November, 1848, by Morgan L. Martin and Albert G. Ellis, commissioners on the part of the United States, and the sachem, councilors, and headmen of the Stockbridge tribe of Indians, together with a report of the Commissioner of Indian Affairs and other papers explanatory of the same.

JAMES K. POLK.

WASHINGTON, *February 8, 1849.*

To the House of Representatives of the United States:

In reply to the resolutions of the House of Representatives of the 5th instant, I communicate herewith a report from the Secretary of State, accompanied with all the documents and correspondence relating to the treaty of peace concluded between the United States and Mexico at Guadalupe Hidalgo on the 2d February, 1848, and to the amendments of the Senate thereto, as requested by the House in the said resolutions.

Amongst the documents transmitted will be found a copy of the instructions given to the commissioners of the United States who took to Mexico the treaty as amended by the Senate and ratified by the President of the United States. In my message to the House of Representatives of the 29th of July, 1848, I gave as my reason for declining to furnish these instructions in compliance with a resolution of the House that "in my opinion it would be inconsistent with the public interests to give publicity to them at the present time." Although it may still be doubted whether giving them publicity in our own country, and, as a necessary consequence, in Mexico, may not have a prejudicial influence on our public interests, yet, as they have been again called for by the House, and called for in connection with other documents, to the correct understanding of which they are indispensable, I have deemed it my duty to transmit them.

I still entertain the opinion expressed in the message referred to, that—

As a general rule applicable to all our important negotiations with foreign powers, it could not fail to be prejudicial to the public interests to publish the instructions to our ministers until some time had elapsed after the conclusion of such negotiations.

In these instructions of the 18th of March, 1848, it will be perceived that—

The task was assigned to the commissioners of the United States of consummating the treaty of peace, which was signed at Guadalupe Hidalgo on the 2d day of February last, between the United States and the Mexican Republic, and which on the 10th of March last was ratified by the Senate with amendments.

They were informed that—

This brief statement will indicate to you clearly the line of your duty. You are not sent to Mexico for the purpose of negotiating any new treaty, or of changing in any particular the ratified treaty which you will bear with you. None of the amendments adopted by the Senate can be rejected or modified except by the authority of that body. Your whole duty will, then, consist in using every honorable effort to obtain from the Mexican Government a ratification of the treaty in the form in which it has been ratified by the Senate, and this with the least practicable delay. * * * For this purpose it may, and most probably will, become necessary that you should explain to the Mexican minister for foreign affairs, or to the authorized agents of the Mexican Government, the reasons which have influenced the Senate in adopting these several amendments to the treaty. This duty you will perform as much as possible by personal conferences. Diplomatic notes are to be avoided unless in case of necessity. These might lead to endless discussions and indefinite delay. Besides, they could not have any practical result, as your mission is confined to procuring a ratification from the Mexican Government of the treaty as it came from the Senate, and does not extend to the slightest modification in any of its provisions.

The commissioners were sent to Mexico to procure the ratification of the treaty *as amended by the Senate*. Their instructions confined them to this point. It was proper that the amendments to the treaty adopted by the United States should be explained to the Mexican Government, and explanations were made by the Secretary of State in his letter of the 18th of March, 1848, to the Mexican minister for foreign affairs, under my direction. This dispatch was communicated to Congress with my message of the 6th of July last, communicating the treaty of peace, and published by their order. This dispatch was transmitted by our commissioners from the City of Mexico to the Mexican Government, then at Queretaro, on the 17th of April, 1848, and its receipt acknowledged on the 19th of the same month. During the whole time that the treaty, as amended, was before the Congress of Mexico these explanations of the Secretary of State, and these alone, were before them.

The President of Mexico, on these explanations, on the 8th day of May, 1848, submitted the amended treaty to the Mexican Congress, and on the 25th of May that Congress approved the treaty as amended, without modification or alteration. The final action of the Mexican Congress had taken place before the commissioners of the United States had been officially received by the Mexican authorities, or held any confer-

ence with them, or had any other communication on the subject of the treaty except to transmit the letter of the Secretary of State.

In their dispatch transmitted to Congress with my message of the 6th of July last, communicating the treaty of peace, dated "City of Queretaro, May 25, 1848, 9 o'clock p. m.," the commissioners say:

> We have the satisfaction to inform you that we reached this city this afternoon at about 5 o'clock, and that the treaty, as amended by the Senate of the United States, passed the Mexican Senate about the hour of our arrival by a vote of 33 to 5. It having previously passed the House of Deputies, nothing now remains but to exchange the ratifications of the treaty.

On the next day (the 26th of May) the commissioners were for the first time presented to the President of the Republic and their credentials placed in his hands. On this occasion the commissioners delivered an address to the President of Mexico, and he replied. In their dispatch of the 30th of May the commissioners say:

> We inclose a copy of our address to the President, and also a copy of his reply. Several conferences afterwards took place between Messrs. Rosa, Cuevas, Conto, and ourselves, which it is not thought necessary to recapitulate, as we inclose a copy of the protocol, which contains the substance of the conversations. We have now the satisfaction to announce that the exchange of ratifications was effected to-day.

This dispatch was communicated with my message of the 6th of July last, and published by order of Congress.

The treaty, as amended by the Senate of the United States, with the accompanying papers and the evidence that in that form it had been ratified by Mexico, was received at Washington on the 4th day of July, 1848, and immediately proclaimed as the supreme law of the land. On the 6th of July I communicated to Congress the ratified treaty, with such accompanying documents as were deemed material to a full understanding of the subject, to the end that Congress might adopt the legislation necessary and proper to carry the treaty into effect. Neither the address of the commissioners, nor the reply of the President of Mexico on the occasion of their presentation, nor the memorandum of conversations embraced in the paper called a protocol, nor the correspondence now sent, were communicated, because they were not regarded as in any way material; and in this I conformed to the practice of our Government. It rarely, if ever, happens that all the correspondence, and especially the instructions to our ministers, is communicated. Copies of these papers are now transmitted, as being within the resolutions of the House calling for all such "correspondence as appertains to said treaty."

When these papers were received at Washington, peace had been restored, the first installment of three millions paid to Mexico, the blockades were raised, the City of Mexico evacuated, and our troops on their return home. The war was at an end, and the treaty, as ratified by the United States, was binding on both parties, and already executed in a great degree. In this condition of things it was not competent for the

President alone, or for the President and Senate, or for the President, Senate, and House of Representatives combined, to abrogate the treaty, to annul the peace and restore a state of war, except by a solemn declaration of war.

Had the protocol varied the treaty as amended by the Senate of the United States, it would have had no binding effect.

It was obvious that the commissioners of the United States did not regard the protocol as in any degree a part of the treaty, nor as modifying or altering the treaty as amended by the Senate. They communicated it as the substance of conversations held after the Mexican Congress had ratified the treaty, and they knew that the approval of the Mexican Congress was as essential to the validity of a treaty in all its parts as the advice and consent of the Senate of the United States. They knew, too, that they had no authority to alter or modify the treaty in the form in which it had been ratified by the United States, but that, if failing to procure the ratification of the Mexican Government otherwise than with amendments, their duty, imposed by express instructions, was to ask of Mexico to send without delay a commissioner to Washington to exchange ratifications here if the amendments of the treaty proposed by Mexico, on being submitted, should be adopted by the Senate of the United States.

I was equally well satisfied that the Government of Mexico had agreed to the treaty as amended by the Senate of the United States, and did not regard the protocol as modifying, enlarging, or diminishing its terms or effect. The President of that Republic, in submitting the amended treaty to the Mexican Congress, in his message on the 8th day of May, 1848, said:

> If the treaty could have been submitted to your deliberation precisely as it came from the hands of the plenipotentiaries, my satisfaction at seeing the war at last brought to an end would not have been lessened as it this day is in consequence of the modifications introduced into it by the Senate of the United States, and which have received the sanction of the President. * * * At present it is sufficient for us to say to you that if in the opinion of the Government justice had not been evinced on the part of the Senate and Government of the United States in introducing such modifications, it is presumed, on the other hand, that they are not of such importance that they should set aside the treaty. I believe, on the contrary, that it ought to be ratified upon the same terms in which it has already received the sanction of the American Government. My opinion is also greatly strengthened by the fact that a new negotiation is neither expected nor considered possible. Much less could another be brought forward upon a basis more favorable for the Republic.

The deliberations of the Mexican Congress, with no explanation before that body from the United States except the letter of the Secretary of State, resulted in the ratification of the treaty, as recommended by the President of that Republic, in the form in which it had been amended and ratified by the United States. The conversations embodied in the paper called a protocol took place after the action of the Mexican Congress was complete, and there is no reason to suppose that the Government of Mexico ever submitted the protocol to the Congress, or ever treated or regarded it as in any sense a new negotiation, or as operating

any modification or change of the amended treaty. If such had been its effect, it was a nullity until approved by the Mexican Congress; and such approval was never made or intimated to the United States. In the final consummation of the ratification of the treaty by the President of Mexico no reference is made to it. On the contrary, this ratification, which was delivered to the commissioners of the United States, and is now in the State Department, contains a full and explicit recognition of the amendments of the Senate just as they had been communicated to that Government by the Secretary of State and been afterwards approved by the Mexican Congress. It declares that—

> Having seen and examined the said treaty and the modifications made by the Senate of the United States of America, and having given an account thereof to the General Congress, conformably to the requirement in the fourteenth paragraph of the one hundred and tenth article of the federal constitution of these United States, that body has thought proper to approve of the said treaty, with the modifications thereto, in all their parts; and in consequence thereof, exerting the power granted to me by the constitution, I accept, ratify, and confirm the said treaty with its modifications, and promise, in the name of the Mexican Republic, to fulfill and observe it, and to cause it to be fulfilled and observed.

Upon an examination of this protocol, when it was received with the ratified treaty, I did not regard it as material or as in any way attempting to modify or change the treaty as it had been amended by the Senate of the United States.

The first explanation which it contains is:

> That the American Government, by suppressing the ninth article of the treaty of Guadalupe and substituting the third article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article (ninth) in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the third article of the treaty of Louisiana. In consequence, all the privileges and guaranties—civil, political, and religious—which would have been possessed by the inhabitants of the ceded territories if the ninth article of the treaty had been retained will be enjoyed by them without any difference under the article which has been substituted.

The ninth article of the original treaty stipulated for the incorporation of the Mexican inhabitants of the ceded territories and their admission into the Union "as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights of citizens of the United States." It provided also that in the meantime they should be maintained in the enjoyment of their liberty, their property, and their civil rights now vested in them according to the Mexican laws. It secured to them similar political rights with the inhabitants of the other Territories of the United States, and at least equal to the inhabitants of Louisiana and Florida when they were in a Territorial condition. It then proceeded to guarantee that ecclesiastics and religious corporations should be protected in the discharge of the offices of their ministry and the enjoyment of their property of every kind, whether individual or corporate, and, finally, that there should be a free communication between

the Catholics of the ceded territories and their ecclesiastical authorities, "even although such authority should reside within the limits of the Mexican Republic as defined by this treaty."

The ninth article of the treaty, as adopted by the Senate, is much more comprehensive in its terms and explicit in its meaning, and it clearly embraces in comparatively few words all the guaranties inserted in the original article. It is as follows:

> Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction.

This article, which was substantially copied from the Louisiana treaty, provides equally with the original article for the admission of these inhabitants into the Union, and in the meantime, whilst they shall remain in a Territorial state, by one sweeping provision declares that they "shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction."

This guaranty embraces every kind of property, whether held by ecclesiastics or laymen, whether belonging to corporations or individuals. It secures to these inhabitants the free exercise of their religion without restriction, whether they choose to place themselves under the spiritual authority of pastors resident within the Mexican Republic or the ceded territories. It was, it is presumed, to place this construction beyond all question that the Senate superadded the words "without restriction" to the religious guaranty contained in the corresponding article of the Louisiana treaty. Congress itself does not possess the power under the Constitution to make any law prohibiting the free exercise of religion.

If the ninth article of the treaty, whether in its original or amended form, had been entirely omitted in the treaty, all the rights and privileges which either of them confers would have been secured to the inhabitants of the ceded territories by the Constitution and laws of the United States.

The protocol asserts that "the American Government, by suppressing the tenth article of the treaty of Guadalupe, did not in any way intend to annul the grants of lands made by Mexico in the ceded territories;" that "these grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess; and the grantees may cause their legitimate titles to be acknowledged before the American tribunals;" and then proceeds to state that, "conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories are those which were legitimate titles under the Mexican law in California and New Mexico up to the 13th of May, 1846, and in Texas up to the 2d of March, 1836."

The former was the date of the declaration of war against Mexico and the latter that of the declaration of independence by Texas.

The objection to the tenth article of the original treaty was not that it protected legitimate titles, which our laws would have equally protected without it, but that it most unjustly attempted to resuscitate grants which had become a mere nullity by allowing the grantees the same period after the exchange of the ratifications of the treaty to which they had been originally entitled after the date of their grants for the purpose of performing the conditions on which they had been made. In submitting the treaty to the Senate I had recommended the rejection of this article. That portion of it in regard to lands in Texas did not receive a single vote in the Senate. This information was communicated by the letter of the Secretary of State to the minister for foreign affairs of Mexico, and was in possession of the Mexican Government during the whole period the treaty was before the Mexican Congress; and the article itself was reprobated in that letter in the strongest terms. Besides, our commissioners to Mexico had been instructed that—

> Neither the President nor the Senate of the United States can ever consent to ratify any treaty containing the tenth article of the treaty of Guadalupe Hidalgo, in favor of grantees of land in Texas or elsewhere.

And again:

> Should the Mexican Government persist in retaining this article, then all prospect of immediate peace is ended; and of this you may give them an absolute assurance.

On this point the language of the protocol is free from ambiguity, but if it were otherwise is there any individual American or Mexican who would place such a construction upon it as to convert it into a vain attempt to revive this article, which had been so often and so solemnly condemned? Surely no person could for one moment suppose that either the commissioners of the United States or the Mexican minister for foreign affairs ever entertained the purpose of thus setting at naught the deliberate decision of the President and Senate, which had been communicated to the Mexican Government with the assurance that their abandonment of this obnoxious article was essential to the restoration of peace.

But the meaning of the protocol is plain. It is simply that the nullification of this article was not intended to destroy valid, legitimate titles to land which existed and were in full force independently of the provisions and without the aid of this article. Notwithstanding it has been expunged from the treaty, these grants were to "preserve the legal value which they may possess." The refusal to revive grants which had become extinct was not to invalidate those which were in full force and vigor. That such was the clear understanding of the Senate of the United States, and this in perfect accordance with the protocol, is manifest from the fact that whilst they struck from the treaty this unjust article, they

at the same time sanctioned and ratified the last paragraph of the eighth article of the treaty, which declares that—

> In the said territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

Without any stipulation in the treaty to this effect, all such valid titles under the Mexican Government would have been protected under the Constitution and laws of the United States.

The third and last explanation contained in the protocol is that—

> The Government of the United States, by suppressing the concluding paragraph of article 12 of the treaty, did not intend to deprive the Mexican Republic of the free and unrestrained faculty of ceding, conveying, or transferring at any time (as it may judge best) the sum of the $12,000,000 which the same Government of the United States is to deliver in the places designated by the amended article.

The concluding paragraph of the original twelfth article, thus suppressed by the Senate, is in the following language:

> Certificates in proper form for the said installments, respectively, in such sums as shall be desired by the Mexican Government, and transferable by it, shall be delivered to the said Government by that of the United States.

From this bare statement of facts the meaning of the protocol is obvious. Although the Senate had declined to create a Government stock for the $12,000,000, and issue transferable certificates for the amount in such sums as the Mexican Government might desire, yet they could not have intended thereby to deprive that Government of the faculty which every creditor possesses of transferring for his own benefit the obligation of his debtor, whatever this may be worth, according to his will and pleasure.

It can not be doubted that the twelfth article of the treaty as it now stands contains a positive obligation, "in consideration of the extension acquired by the boundaries of the United States," to pay to the Mexican Republic $12,000,000 in four equal annual installments of three millions each. This obligation may be assigned by the Mexican Government to any person whatever, but the assignee in such case would stand in no better condition than the Government. The amendment of the Senate prohibiting the issue of a Government transferable stock for the amount produces this effect and no more.

The protocol contains nothing from which it can be inferred that the assignee could rightfully demand the payment of the money in case the consideration should fail which is stated on the face of the obligation.

With this view of the whole protocol, and considering that the explanations which it contained were in accordance with the treaty, I did not deem it necessary to take any action upon the subject. Had it

varied from the terms of the treaty as amended by the Senate, although it would even then have been a nullity in itself, yet duty might have required that I should make this fact known to the Mexican Government. This not being the case, I treated it in the same manner I would have done had these explanations been made verbally by the commissioners to the Mexican minister for foreign affairs and communicated in a dispatch to the State Department.

JAMES K. POLK.

WASHINGTON, *February 9, 1849.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 6th instant, requesting the President to cause to be laid before that body, in "executive or open session, in his discretion, any instructions given to Ambrose H. Sevier and Nathan Clifford, commissioned as ministers plenipotentiary on the part of the United States to the Government of Mexico, or to either of said ministers, prior to the ratification by the Government of Mexico of the treaty of peace between the United States and that Republic," and certain correspondence and other papers specified in the said resolution, I communicate herewith a report from the Secretary of State, together with copies of the documents called for.

Having on the 8th instant, in compliance with a resolution of the House of Representatives in its terms more comprehensive than that of the Senate, communicated these and all other papers appertaining to the same subject, with a message to that House, this communication is made to the Senate in "open" and not in "executive" session.

JAMES K. POLK.

WASHINGTON, *February 12, 1849.*

To the Senate of the United States:

I communicate herewith a report from the Secretary of the Treasury, with the accompanying documents, in answer to the resolution of the Senate of December 28, 1848, requesting "to be informed of the number of vessels annually employed in the Coast Survey, and the annual cost thereof, and out of what fund they were paid; also the number of persons annually employed in said Survey who were not of the Army and Navy of the United States; also the amount of money received by the United States for maps and charts made under such Survey and sold under the act of 1844."

JAMES K. POLK.

WASHINGTON, *February 14, 1849.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, together with the accompanying papers, in compliance with a resolution of the

Senate of the 12th instant, requesting the President to communicate to that body the proceedings under the act of Congress of the last session to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw academy; also the evidence of the cost of said buildings.

JAMES K. POLK.

WASHINGTON, *February 23, 1849.*

To the Senate of the United States:

I communicate herewith a report of the Secretary of State, together with the accompanying documents, in compliance with a resolution of the Senate of the 23d ultimo, requesting the President "to transmit to the Senate, so far as is consistent with the public service, any correspondence between the Department of State and the Spanish authorities in the island of Cuba relating to the imprisonment in said island of William Henry Rush, a citizen of the United States."

JAMES K. POLK.

WASHINGTON, *February 27, 1849.*

To the Senate of the United States:

I communicate herewith a report from the Secretary of State, in compliance with a resolution of the Senate of the 3d ultimo, requesting the President to communicate to the Senate a list of all the treaties of commerce and navigation between the United States and foreign nations conferring upon the vessels of such nations the right of trading between the United States and the rest of the world in the productions of every country upon the same terms with American vessels, with the date of the proclamation of such treaties; also a list of the proclamations conferring similar rights upon the vessels of foreign nations issued by the President of the United States under the provisions of the first section of the act entitled "An act in addition to an act entitled 'An act concerning discriminating duties on tonnage and impost and to equalize the duties on Prussian vessels and their cargoes,'" approved May 24, 1828.

JAMES K. POLK.

WASHINGTON, *March 2, 1849.*

To the House of Representatives of the United States:

I communicate herewith a report of the Secretary of State, together with the accompanying papers, in compliance with the resolution of the House of Representatives of the 23d of December, 1848, requesting the President "to cause to be transmitted to the House, if compatible with the public interest, the correspondence of George W. Gordon, late, and Gorham Parks, the present, consul of the United States at Rio de Janeiro,

with the Department of State on the subject of the African slave trade; also any unpublished correspondence on the same subject by the Hon. Henry A. Wise, our late minister to Brazil."

JAMES K. POLK.

WASHINGTON, *March 2, 1849.*

To the House of Representatives of the United States:

I communicate herewith a report of the Secretary of State, together with the accompanying papers, in compliance with the resolution of the House of Representatives of the 20th ultimo, requesting the President to communicate to that House a list of all consuls, vice-consuls, and commercial agents now in the service of the United States, their residence, distinguishing such as are citizens of the United States from such as are not, and to inform the said House whether regular returns of their fees and perquisites and the tonnage and commerce of the United States within their respective consulates or agencies have been regularly made by each, and to communicate the amount of such fees and perquisites for certain years therein specified, together with the number of vessels and amount of tonnage which entered and cleared within each of the consulates and agencies for the same period; also the number of seamen of the United States who have been provided for and sent home from each of the said consulates for the time aforesaid.

JAMES K. POLK.

WASHINGTON, *March 2, 1849.*

To the Senate of the United States:

I herewith transmit a communication from the Secretary of the Treasury, accompanying a report from the Solicitor of the Treasury presenting a view of the operations of that office since its organization.

JAMES K. POLK.

PROCLAMATIONS.

[From Senate Journal, Thirtieth Congress, second session, p. 349.]

WASHINGTON, *January 2, 1849.*

To the Senators of the United States, respectively.

SIR: Objects interesting to the United States requiring that the Senate should be in session on Monday, the 5th of March next, to receive and act upon such communications as may be made to it on the part of the Executive, your attention in the Senate Chamber, in this city, on that day at 10 o'clock in the forenoon is accordingly requested.

JAMES K. POLK.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 10th January, 1849, entitled "An act to extend certain privileges to the town of Whitehall, in the State of New York," the President of the United States, on the recommendation of the Secretary of the Treasury, is authorized to extend to the town of Whitehall the same privileges as are conferred on certain ports named in the seventh section of an act entitled "An act allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico, and to the British North American Provinces adjoining the United States," passed 3d March, 1845, in the manner prescribed by the proviso contained in said section; and

Whereas the Secretary of the Treasury has duly recommended to me the extension of the privileges of the law aforesaid to the port of Whitehall, in the collection district of Champlain, in the State of New York:

Now, therefore, I, James K. Polk, President of the United States of America, do hereby declare and proclaim that the port of Whitehall, in the collection district of Champlain, in the State of New York, is and shall be entitled to all the privileges extended to the other ports enumerated in the seventh section of the act aforesaid from and after the date of this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of March, A. D. 1849, and of the Independence of the United States of America the seventy-third.

JAMES K. POLK.

By the President:

JAMES BUCHANAN,
Secretary of State.

QUESTIONS.

1. What unusual stipulation was contained in the treaty with Germany proposed in 1845? Page 2267.

2. What was the nature of the first Government aid extended to steamship construction? Page 2411.

3. What European nations protested against annexation of Texas to the United States? Page 2237.

4. Is an invading army justified in levying contributions upon a conquered country? Page 2523.

5. Wherein do American soldiers differ from those of other countries? Page 2481.

6. How did Great Britain attempt to control the mails between Europe and America? Page 2413.

7. What authority did our forces exercise in Mexican ports during the war of 1846? Page 2373.

8. What were the results of the Government's early efforts at leasing mineral lands? Page 2260.

9. What was Polk's plan for disposing of mineral lands? Page 2260.

10. What military tribute was levied on Mexico during the War of 1846? Page 2381.

SUGGESTIONS.

The Northwestern Boundary dispute was settled in Polk's administration. Page 2307. (See Northwestern Boundary. Encyclopedic Index.)

The Mexican War especially engaged the attention of the President. Pages 2287 to 2481.

The Mexican Boundary, leading to the Wilmot Proviso, was finally settled by the treaty of Guadalupe Hidalgo, q. v., Encyclopedic Index.

The days of '49, when gold was discovered in California, marked a new epoch. Opposite page 2019.

Polk re-asserted the Monroe Doctrine. Pages 2248, 2390, 2432.

Read Polk's Foreign Policy. Pages 2236, 2248, 2276, 2322, 2337, 2361, 2386, 2431, 2437, 2444, 2480.

NOTE.

For further suggestions on Polk's administration, see Polk, James K., Encyclopedic Index.

By reading the Foreign Policy of each President, and by scanning the messages as to the state of the nation, a thorough knowledge of the history of the United States will be acquired from the most authentic sources; because, as has been said, "Each President reviews the past, depicts the present and forecasts the future of the nation."

Zachary Taylor

March 5, 1849, to July 9, 1850

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

Zachary Taylor

MARGARET SMITH TAYLOR

Margaret Smith, wife of General Zachary Taylor, was the daughter of a Maryland planter. Domestic in taste and devoted to her husband, she lived much in garrisons and afield, making a home wherever she was called. She was without social ambition, and therefore had no desire to preside at the White House, preferring her quiet home at Baton Rouge, where she and her youngest daughter, "Miss Betty," were widely known and liked, and where she permanently established an Episcopal church. When her husband was elected President, she relinquished the duties of hostess to Mrs. Bliss (Miss Betty), then but twenty-two years of age, whose grace of manner and youthful charms relieved the formality of Mrs. Polk's previous reign. Their residence at the White House was suddenly terminated by the President's death, sixteen months after his inauguration. Mrs. Taylor died two years later, at the home of her only son in Louisiana.

TAYLOR

During Zachary Taylor's brief incumbency of the great office of President, for which he never thought himself well qualified, he was a tower of strength to the Union and blocked all the ambitious projects of the slave power. In considering the admission of new States to the Union, he recommended that they be admitted on their merits, and that the question of slavery be left to them for settlement. This position provoked much opposition in Congress and became the subject that agitated the public mind during almost the entire time that he was in executive control. Having information as to the fitting out of an armed expedition with the intention of evidently invading the island of Cuba, on August 11, 1849, he issued a proclamation of warning against engaging in such an enterprise so grossly in violation of our laws and our treaty obligations, and calling upon every officer of the Government, civil or military, to use all efforts in his power to arrest for trial and punishment every such offender against the laws providing for the performance of our sacred obligations to friendly powers.

His term of office was too short, and the questions that came before him too much of one general character to enable us to form an adequate opinion of his abilities as a civil administrator. He was open and direct in his methods; his state papers are models of pure and virile English, and the honesty of his purpose is beyond cavil.

In the single year of his administration he advocated some great improvements, the wisdom of which is only beginning to be fully appreciated. One of these measures was a canal from the Atlantic to the Pacific. He worked earnestly to secure a location for such a canal, either Nicaragua or by way of Tehuantepec or across the Isthmus of Panama. His views on that subject, in stating the objects of that treaty, are well worth quoting at the present time. He said: "This treaty has been negotiated in accordance with the general views expressed in my message to Congress in December last. Its object is to establish a commercial alliance with all great maritime states for the protection of a contemplated ship canal through the territory of Nicaragua to connect the Atlantic and Pacific oceans, and at the same time to insure the same protection to the contemplated railways or canals by the Tehuantepec and Panama routes, as well as to every other interoceanic communication which may be adopted to shorten the transit to or from our territories on the Pacific. It will be seen that this treaty does not propose to take money from the public Treasury to effect any object contemplated by it. It yields protection to the capitalists who may undertake to construct any canal or railway across the Isthmus, commencing in the

southern part of Mexico and terminating in the territory of New Granada. It gives no preference to any one route over another, but proposes the same measure of protection for all which ingenuity and enterprise can construct."

The Clayton-Bulwer treaty, concluded in his administration, had this for its purpose and object.

President Taylor also saw the necessity of a transcontinental railroad to the Pacific coast. At his direction the first steps were taken for making the preliminary surveys. Equally broad-minded and far-seeing was President Taylor in reference to the Hawaiian Islands. He declared that no foreign power should be allowed to get control of them. He pointed out their usefulness to our vessels engaged in commerce and whaling in the Pacific. Self-interest as well as humanity, he declared, directed that the people and government of the United States should extend every encouragement to the Hawaiian people to improve their government and raise themselves to a higher plane of civilization.

In domestic affairs President Taylor was equally zealous in the line of progress and development. He urged the establishment of an agricultural department by the Government to foster and advance what he considered was the greatest industry of this country. He also started the geological surveys in California and other Western States, which have been of such incalculable value in developing their mineral resources.

Known as a soldier as "Old Rough and Ready," he carried those qualities of fearlessness and decision into executive affairs and diplomacy. What he might have accomplished had Providence not cut short his career so early in his Administration, can be imagined from the vigorous governmental policy which he began.

Zachary Taylor

ZACHARY TAYLOR was born in Orange County Va., November 24, 1784. He was the third son of Richard Taylor, a colonel in the War of the Revolution, who was conspicuous for his zeal and courage. In 1785 his father removed to Kentucky, then a sparsely occupied county of Virginia, and made his home near the present city of Louisville, where he died. Zachary had but little opportunity for attending school in this new settlement, but was surrounded during all the years of his childhood and early manhood by conditions and circumstances well adapted to form the character illustrated by his eventful career. In 1808 he was appointed a lieutenant in the Seventh Infantry, and in 1810 was promoted to the grade of captain in the same regiment. The same year was married to Miss Margaret Smith, of Maryland. For meritorious conduct in defending Fort Harrison, on the Wabash River, against the Indians received the brevet of major. In 1814 commanded in a campaign against hostile Indians and their British allies on Rock River. Was made lieutenant-colonel of the First Infantry in 1819, and in 1832 became full colonel of that regiment, with headquarters at Fort Crawford, Prairie du Chien. Was occupied with his regiment fighting the Indians in the Black Hawk and other campaigns until 1836, when he was transferred to Florida for service in the Seminole War. For gallant conduct there the next year received the brevet of brigadier-general, and in 1838 was appointed to the chief command in Florida. In 1840 was assigned to command the southern division of the western department of the Army. About this time he made his family home at Baton Rouge, La. In 1845 was ordered to the defense of Texas, which had been annexed to the United States. He went to Corpus Christi, and on March 8, 1846, advanced, and after some fighting, in which he routed and drove the enemy across the Rio Grande, on May 18 occupied Matamoras. He remained there for a short period, obtaining reenforcements. In September fought the enemy at Monterey and captured that town. The following February fought and won the battle of Buena Vista. In the meantime, besides engagements less important, he had won the victories of Palo Alto and Resaca de la Palma, which created great enthusiasm

throughout the Union. The terms of capitulation granted by him to the enemy at Monterey were not approved by the Government at Washington. Soon after the battles of Palo Alto and Resaca de la Palma he received the rank of brevet major-general, and on June 27, 1846, was appointed major-general and was commander in chief of all the American forces in Mexico until Major-General Scott was ordered there in 1846. The latter part of November returned to his home in Louisiana. Upon his return to the United States he was received wherever he went with popular demonstrations. Was nominated for President by the national convention of the Whig party at Philadelphia on June 7, 1848, on the fourth ballot, defeating General Scott, Mr. Clay, and Mr. Webster. At the election on November 7 the Whig ticket (Taylor and Fillmore) was successful, receiving 163 electoral votes, while the Democratic candidates (Cass and Butler) each received 127 votes. He was inaugurated March 5, 1849, and died in Washington City July 9, 1850. Was buried in Cave Hill Cemetery, Louisville, Ky.

INAUGURAL ADDRESS.

Elected by the American people to the highest office known to our laws, I appear here to take the oath prescribed by the Constitution, and, in compliance with a time-honored custom, to address those who are now assembled.

The confidence and respect shown by my countrymen in calling me to be the Chief Magistrate of a Republic holding a high rank among the nations of the earth have inspired me with feelings of the most profound gratitude; but when I reflect that the acceptance of the office which their partiality has bestowed imposes the discharge of the most arduous duties and involves the weightiest obligations, I am conscious that the position which I have been called to fill, though sufficient to satisfy the loftiest ambition, is surrounded by fearful responsibilities. Happily, however, in the performance of my new duties I shall not be without able cooperation. The legislative and judicial branches of the Government present prominent examples of distinguished civil attainments and matured experience, and it shall be my endeavor to call to my assistance in the Executive Departments individuals whose talents, integrity, and purity of character will furnish ample guaranties for the faithful and honorable performance of the trusts to be committed to their charge. With such aids and an honest purpose to do whatever is right, I hope to execute diligently, impartially, and for the best interests of the country the manifold duties devolved upon me.

In the discharge of these duties my guide will be the Constitution,

which I this day swear to "preserve, protect, and defend." For the interpretation of that instrument I shall look to the decisions of the judicial tribunals established by its authority and to the practice of the Government under the earlier Presidents, who had so large a share in its formation. To the example of those illustrious patriots I shall always defer with reverence, and especially to his example who was by so many titles "the Father of his Country."

To command the Army and Navy of the United States; with the advice and consent of the Senate, to make treaties and to appoint ambassadors and other officers; to give to Congress information of the state of the Union and recommend such measures as he shall judge to be necessary; and to take care that the laws shall be faithfully executed—these are the most important functions intrusted to the President by the Constitution, and it may be expected that I shall briefly indicate the principles which will control me in their execution.

Chosen by the body of the people under the assurance that my Administration would be devoted to the welfare of the whole country, and not to the support of any particular section or merely local interest, I this day renew the declarations I have heretofore made and proclaim my fixed determination to maintain to the extent of my ability the Government in its original purity and to adopt as the basis of my public policy those great republican doctrines which constitute the strength of our national existence.

In reference to the Army and Navy, lately employed with so much distinction on active service, care shall be taken to insure the highest condition of efficiency, and in furtherance of that object the military and naval schools, sustained by the liberality of Congress, shall receive the special attention of the Executive.

As American freemen we can not but sympathize in all efforts to extend the blessings of civil and political liberty, but at the same time we are warned by the admonitions of history and the voice of our own beloved Washington to abstain from entangling alliances with foreign nations. In all disputes between conflicting governments it is our interest not less than our duty to remain strictly neutral, while our geographical position, the genius of our institutions and our people, the advancing spirit of civilization, and, above all, the dictates of religion direct us to the cultivation of peaceful and friendly relations with all other powers. It is to be hoped that no international question can now arise which a government confident in its own strength and resolved to protect its own just rights may not settle by wise negotiation; and it eminently becomes a government like our own, founded on the morality and intelligence of its citizens and upheld by their affections, to exhaust every resort of honorable diplomacy before appealing to arms. In the conduct of our foreign relations I shall conform to these views, as I believe them essential to the best interests and the true honor of the country.

The appointing power vested in the President imposes delicate and onerous duties. So far as it is possible to be informed, I shall make honesty, capacity, and fidelity indispensable prerequisites to the bestowal of office, and the absence of either of these qualities shall be deemed sufficient cause for removal.

It shall be my study to recommend such constitutional measures to Congress as may be necessary and proper to secure encouragement and protection to the great interests of agriculture, commerce, and manufactures, to improve our rivers and harbors, to provide for the speedy extinguishment of the public debt, to enforce a strict accountability on the part of all officers of the Government and the utmost economy in all public expenditures; but it is for the wisdom of Congress itself, in which all legislative powers are vested by the Constitution, to regulate these and other matters of domestic policy. I shall look with confidence to the enlightened patriotism of that body to adopt such measures of conciliation as may harmonize conflicting interests and tend to perpetuate that Union which should be the paramount object of our hopes and affections. In any action calculated to promote an object so near the heart of everyone who truly loves his country I will zealously unite with the coordinate branches of the Government.

In conclusion I congratulate you, my fellow-citizens, upon the high state of prosperity to which the goodness of Divine Providence has conducted our common country. Let us invoke a continuance of the same protecting care which has led us from small beginnings to the eminence we this day occupy, and let us seek to deserve that continuance by prudence and moderation in our councils, by well-directed attempts to assuage the bitterness which too often marks unavoidable differences of opinion, by the promulgation and practice of just and liberal principles, and by an enlarged patriotism, which shall acknowledge no limits but those of our own widespread Republic.

MARCH 5, 1849.

SPECIAL MESSAGES.

WASHINGTON, *March 13, 1849.*

To the Senate of the United States:

I herewith communicate to the Senate, in confidence, a report and accompanying papers* from the Secretary of State, in answer to its resolution of the 12th instant.

Z. TAYLOR.

*Instructions to United States minister at London relative to further extension of reciprocity and equality in the laws of navigation, and contemplating the opening of the coasting trade of the United States to the vessels of other nations.

WASHINGTON, *March 20, 1849.*

To the Senate of the United States:

In answer to the resolution of the Senate of yesterday, passed in executive session, requesting a communication of certain papers relative to the amendments made by the Senate to the treaty of Guadalupe Hidalgo, I transmit a report from the Secretary of State and the documents by which it was accompanied. It is desirable that the latter should be returned to the Department of State.

Z. TAYLOR.

WASHINGTON, *March 22, 1849.*

To the Senate of the United States:

In compliance with the request contained in the resolution of the Senate yesterday, adopted in executive session, calling for certain papers in relation to the amendments made by the Senate in the treaty of Guadalupe Hidalgo, I transmit a report from the Secretary of State and the documents by which it was accompanied.

Z. TAYLOR.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

There is reason to believe that an armed expedition is about to be fitted out in the United States with an intention to invade the island of Cuba or some of the Provinces of Mexico. The best information which the Executive has been able to obtain points to the island of Cuba as the object of this expedition. It is the duty of this Government to observe the faith of treaties and to prevent any aggression by our citizens upon the territories of friendly nations. I have therefore thought it necessary and proper to issue this my proclamation to warn all citizens of the United States who shall connect themselves with an enterprise so grossly in violation of our laws and our treaty obligations that they will thereby subject themselves to the heavy penalties denounced against them by our acts of Congress and will forfeit their claim to the protection of their country. No such persons must expect the interference of this Government in any form on their behalf, no matter to what extremities they may be reduced in consequence of their conduct. An enterprise to invade the territories of a friendly nation, set on foot and prosecuted within the limits of the United States, is in the highest degree criminal, as tending to endanger the peace and compromit the honor of this nation; and therefore I exhort all good citizens, as they regard our national reputation, as they respect their own laws and the laws of nations, as they

value the blessings of peace and the welfare of their country, to discountenance and prevent by all lawful means any such enterprise; and I call upon every officer of this Government, civil or military, to use all efforts in his power to arrest for trial and punishment every such offender against the laws providing for the performance of our sacred obligations to friendly powers.

Given under my hand the 11th day of August, A. D. 1849, and the seventy-fourth of the Independence of the United States.

Z. TAYLOR.

By the President:

J. M. CLAYTON,

Secretary of State.

EXECUTIVE ORDER.

GENERAL ORDERS, No. 34.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 19, 1849.

I. The following orders of the President of the United States and Secretary of War communicate to the Army the death of the late ex-President, James K. Polk:

WASHINGTON, *June 19, 1849.*

The President with deep regret announces to the American people the death of James K. Polk, late President of the United States, which occurred at Nashville on the 15th instant.

A nation is suddenly called upon to mourn the loss of one the recollection of whose long services in its councils will be forever preserved on the tablets of history.

As a mark of respect to the memory of a citizen who has been distinguished by the highest honors which his country could bestow, it is ordered that the Executive Mansion and the several Departments at Washington be immediately placed in mourning and all business be suspended during to-morrow.

It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on this occasion to the memory of the illustrious dead.

Z. TAYLOR.

WAR DEPARTMENT, *June 19, 1849.*

The President of the United States with deep regret announces to the Army the death of James K. Polk, our distinguished and honored fellow-citizen.

He died at Nashville the 15th instant, having but recently left the theater of his high public duties at this capital and retired to his home amid the congratulations of his fellow-citizens. He died in the prime of life, after having received and enjoyed the highest honors of the Republic.

His Administration was eventful. No branch of the Government will be more intimately associated with it in history than the Army and its glorious achievements. Accordingly, the President orders that appropriate military honors shall be paid to his memory by the Army of the United States.

The Adjutant-General will give the necessary instructions for carrying into effect the foregoing orders.

G. W. CRAWFORD,
Secretary of War.

II. On the day succeeding the arrival of this general order at each military post the troops will be paraded at 10 o'clock a. m. and the order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of six months.

By order:

R. JONES, *Adjutant-General.*

FIRST ANNUAL MESSAGE.

WASHINGTON, *December 4, 1849.*

Fellow-Citizens of the Senate and House of Representatives:

Sixty years have elapsed since the establishment of this Government, and the Congress of the United States again assembles to legislate for an empire of freemen. The predictions of evil prophets, who formerly pretended to foretell the downfall of our institutions, are now remembered only to be derided, and the United States of America at this moment present to the world the most stable and permanent Government on earth.

Such is the result of the labors of those who have gone before us. Upon Congress will eminently depend the future maintenance of our system of free government and the transmission of it unimpaired to posterity.

We are at peace with all the other nations of the world, and seek to maintain our cherished relations of amity with them. During the past year we have been blessed by a kind Providence with an abundance of

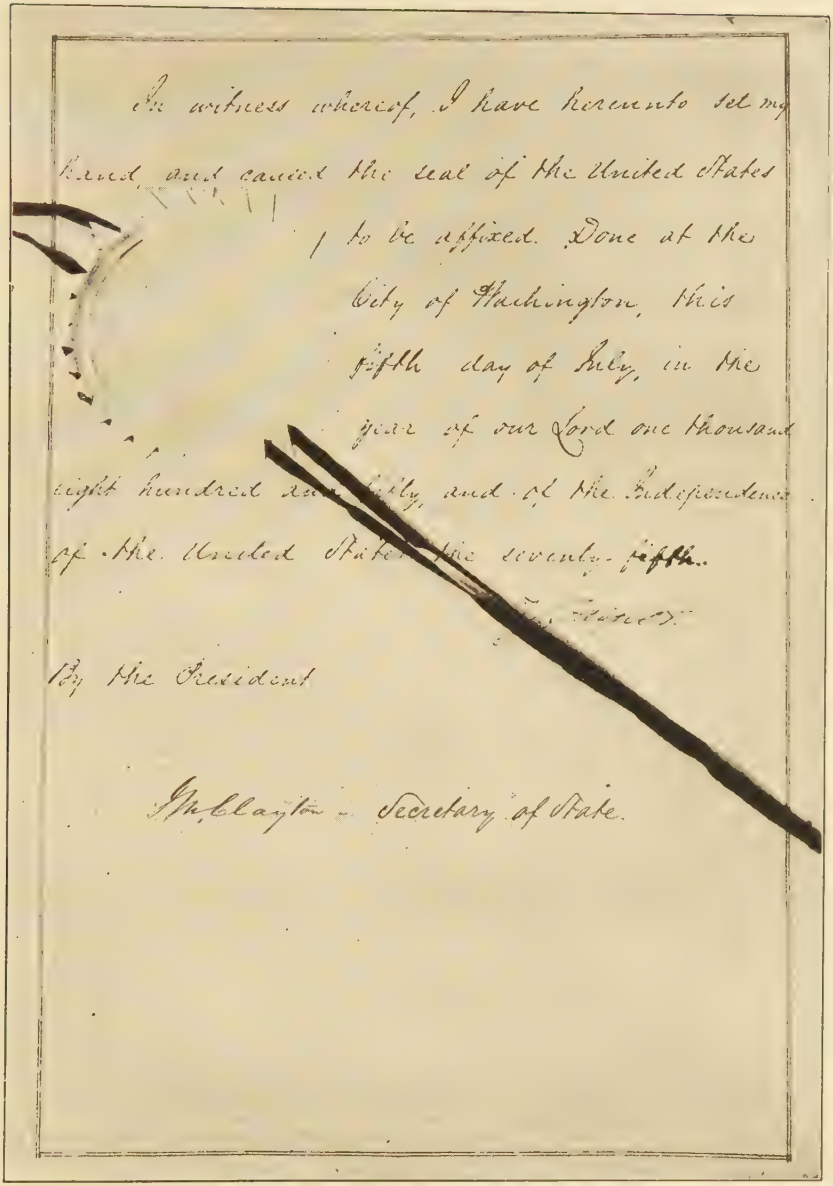
the fruits of the earth, and although the destroying angel for a time visited extensive portions of our territory with the ravages of a dreadful pestilence, yet the Almighty has at length deigned to stay his hand and to restore the inestimable blessing of general health to a people who have acknowledged His power, deprecated His wrath, and implored His merciful protection.

While enjoying the benefits of amicable intercourse with foreign nations, we have not been insensible to the distractions and wars which have prevailed in other quarters of the world. It is a proper theme of thanksgiving to Him who rules the destinies of nations that we have been able to maintain amidst all these contests an independent and neutral position toward all belligerent powers.

Our relations with Great Britain are of the most friendly character. In consequence of the recent alteration of the British navigation acts, British vessels, from British and other foreign ports, will under our existing laws, after the 1st day of January next, be admitted to entry in our ports with cargoes of the growth, manufacture, or production of any part of the world on the same terms as to duties, imposts, and charges as vessels of the United States with their cargoes, and our vessels will be admitted to the same advantages in British ports, entering therein on the same terms as British vessels. Should no order in council disturb this legislative arrangement, the late act of the British Parliament, by which Great Britain is brought within the terms proposed by the act of Congress of the 1st of March, 1817, it is hoped will be productive of benefit to both countries.

A slight interruption of diplomatic intercourse which occurred between this Government and France, I am happy to say, has been terminated, and our minister there has been received. It is therefore unnecessary to refer now to the circumstances which led to that interruption. I need not express to you the sincere satisfaction with which we shall welcome the arrival of another envoy extraordinary and minister plenipotentiary from a sister Republic to which we have so long been, and still remain, bound by the strongest ties of amity.

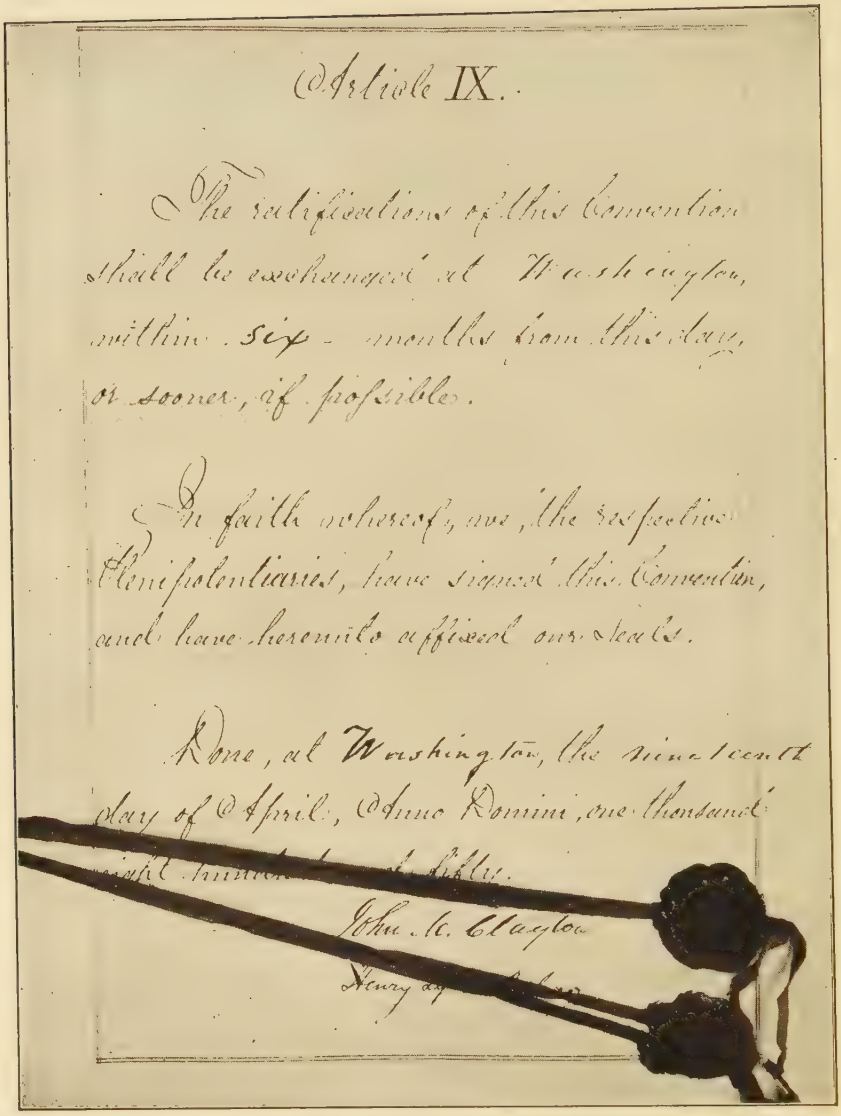
Shortly after I had entered upon the discharge of the Executive duties I was apprised that a war steamer belonging to the German Empire was being fitted out in the harbor of New York with the aid of some of our naval officers, rendered under the permission of the late Secretary of the Navy. This permission was granted during an armistice between that Empire and the Kingdom of Denmark, which had been engaged in the Schleswig-Holstein war. Apprehensive that this act of intervention on our part might be viewed as a violation of our neutral obligations incurred by the treaty with Denmark and of the provisions of the act of Congress of the 20th of April, 1818, I directed that no further aid should be rendered by any agent or officer of the Navy; and I instructed the Secretary of State to apprise the minister of the German Empire accredited to this


In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington, this fifth day of July, in the year of our Lord one thousand eight hundred and fifty, and of the Independence of the United States the seventy-fifth.

By the President

J. M. Clayton — Secretary of State.

SIGNATURES OF TAYLOR AND SECRETARY JOHN M. CLAYTON TO A STATE DOCUMENT.


Article IX.

The ratifications of this Convention shall be exchanged at Washington, within six months from this day, or sooner, if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done, at Washington, the nineteenth day of April, Anno Domini, one thousand eight hundred and fifty.

John M. Clayton

Henry Lytton Bulwer

LAST PAGE OF THE CLAYTON-BULWER TREATY, RATIFIED DURING TAYLOR'S ADMINISTRATION.

Government of my determination to execute the law of the United States and to maintain the faith of treaties with all nations. The correspondence which ensued between the Department of State and the minister of the German Empire is herewith laid before you. The execution of the law and the observance of the treaty were deemed by me to be due to the honor of the country, as well as to the sacred obligations of the Constitution. I shall not fail to pursue the same course should a similar case arise with any other nation. Having avowed the opinion on taking the oath of office that in disputes between conflicting foreign governments it is our interest not less than our duty to remain strictly neutral, I shall not abandon it. You will perceive from the correspondence submitted to you in connection with this subject that the course adopted in this case has been properly regarded by the belligerent powers interested in the matter.

Although a minister of the United States to the German Empire was appointed by my predecessor in August, 1848, and has for a long time been in attendance at Frankfort-on-the-Main, and although a minister appointed to represent that Empire was received and accredited here, yet no such government as that of the German Empire has been definitively constituted. Mr. Donelson, our representative at Frankfort, remained there several months in the expectation that a union of the German States under one constitution or form of government might at length be organized. It is believed by those well acquainted with the existing relations between Prussia and the States of Germany that no such union can be permanently established without her cooperation. In the event of the formation of such a union and the organization of a central power in Germany of which she should form a part, it would become necessary to withdraw our minister at Berlin; but while Prussia exists as an independent kingdom and diplomatic relations are maintained with her there can be no necessity for the continuance of the mission to Frankfort. I have therefore recalled Mr. Donelson and directed the archives of the legation at Frankfort to be transferred to the American legation at Berlin.

Having been apprised that a considerable number of adventurers were engaged in fitting out a military expedition within the United States against a foreign country, and believing from the best information I could obtain that it was destined to invade the island of Cuba, I deemed it due to the friendly relations existing between the United States and Spain, to the treaty between the two nations, to the laws of the United States, and, above all, to the American honor to exert the lawful authority of this Government in suppressing the expedition and preventing the invasion. To this end I issued a proclamation enjoining it upon the officers of the United States, civil and military, to use all lawful means within their power. A copy of that proclamation is herewith submitted. The expedition has been suppressed. So long as the act of Congress of

the 20th of April, 1818, which owes its existence to the law of nations and to the policy of Washington himself, shall remain on our statute books, I hold it to be the duty of the Executive faithfully to obey its injunctions.

While this expedition was in progress I was informed that a foreigner who claimed our protection had been clandestinely and, as was supposed, forcibly carried off in a vessel from New Orleans to the island of Cuba. I immediately caused such steps to be taken as I thought necessary, in case the information I had received should prove correct, to vindicate the honor of the country and the right of every person seeking an asylum on our soil to the protection of our laws. The person alleged to have been abducted was promptly restored, and the circumstances of the case are now about to undergo investigation before a judicial tribunal. I would respectfully suggest that although the crime charged to have been committed in this case is held odious, as being in conflict with our opinions on the subject of national sovereignty and personal freedom, there is no prohibition of it or punishment for it provided in any act of Congress. The expediency of supplying this defect in our criminal code is therefore recommended to your consideration.

I have scrupulously avoided any interference in the wars and contentions which have recently distracted Europe. During the late conflict between Austria and Hungary there seemed to be a prospect that the latter might become an independent nation. However faint that prospect at the time appeared, I thought it my duty, in accordance with the general sentiment of the American people, who deeply sympathized with the Magyar patriots, to stand prepared, upon the contingency of the establishment by her of a permanent government, to be the first to welcome independent Hungary into the family of nations. For this purpose I invested an agent then in Europe with power to declare our willingness promptly to recognize her independence in the event of her ability to sustain it. The powerful intervention of Russia in the contest extinguished the hopes of the struggling Magyars. The United States did not at any time interfere in the contest, but the feelings of the nation were strongly enlisted in the cause, and by the sufferings of a brave people, who had made a gallant, though unsuccessful, effort to be free.

Our claims upon Portugal have been during the past year prosecuted with renewed vigor, and it has been my object to employ every effort of honorable diplomacy to procure their adjustment. Our late chargé d'affaires at Lisbon, the Hon. George W. Hopkins, made able and energetic, but unsuccessful, efforts to settle these unpleasant matters of controversy and to obtain indemnity for the wrongs which were the subjects of complaint. Our present chargé d'affaires at that Court will also bring to the prosecution of these claims ability and zeal. The revolutionary and distracted condition of Portugal in past times has been represented as one of the leading causes of her delay in indemnifying our suffering citizens.

But I must now say it is matter of profound regret that these claims have not yet been settled. The omission of Portugal to do justice to the American claimants has now assumed a character so grave and serious that I shall shortly make it the subject of a special message to Congress, with a view to such ultimate action as its wisdom and patriotism may suggest.

With Russia, Austria, Prussia, Sweden, Denmark, Belgium, the Netherlands, and the Italian States we still maintain our accustomed amicable relations.

During the recent revolutions in the Papal States our chargé d'affaires at Rome has been unable to present his letter of credence, which, indeed, he was directed by my predecessor to withhold until he should receive further orders. Such was the unsettled condition of things in those States that it was not deemed expedient to give him any instructions on the subject of presenting his credential letter different from those with which he had been furnished by the late Administration until the 25th of June last, when, in consequence of the want of accurate information of the exact state of things at that distance from us, he was instructed to exercise his own discretion in presenting himself to the then existing Government if in his judgment sufficiently stable, or, if not, to await further events. Since that period Rome has undergone another revolution, and he abides the establishment of a government sufficiently permanent to justify him in opening diplomatic intercourse with it.

With the Republic of Mexico it is our true policy to cultivate the most friendly relations. Since the ratification of the treaty of Guadalupe Hidalgo nothing has occurred of a serious character to disturb them. A faithful observance of the treaty and a sincere respect for her rights can not fail to secure the lasting confidence and friendship of that Republic. The message of my predecessor to the House of Representatives of the 8th of February last, communicating, in compliance with a resolution of that body, a copy of a paper called a protocol, signed at Queretaro on the 30th of May, 1848, by the commissioners of the United States and the minister of foreign affairs of the Mexican Government, having been a subject of correspondence between the Department of State and the envoy extraordinary and minister plenipotentiary of that Republic accredited to this Government, a transcript of that correspondence is herewith submitted.

The commissioner on the part of the United States for marking the boundary between the two Republics, though delayed in reaching San Diego by unforeseen obstacles, arrived at that place within a short period after the time required by the treaty, and was there joined by the commissioner on the part of Mexico. They entered upon their duties, and at the date of the latest intelligence from that quarter some progress had been made in the survey. The expenses incident to the organization of the commission and to its conveyance to the point where its operations were to begin have so much reduced the fund appropriated by Congress that

a further sum, to cover the charges which must be incurred during the present fiscal year, will be necessary. The great length of frontier along which the boundary extends, the nature of the adjacent territory, and the difficulty of obtaining supplies except at or near the extremes of the line render it also indispensable that a liberal provision should be made to meet the necessary charges during the fiscal year ending on the 30th of June, 1851. I accordingly recommend this subject to your attention.

In the adjustment of the claims of American citizens on Mexico, provided for by the late treaty, the employment of counsel on the part of the Government may become important for the purpose of assisting the commissioners in protecting the interests of the United States. I recommend this subject to the early and favorable consideration of Congress.

Complaints have been made in regard to the inefficiency of the means provided by the Government of New Granada for transporting the United States mail across the Isthmus of Panama, pursuant to our postal convention with that Republic of the 6th of March, 1844. Our chargé d'affaires at Bogota has been directed to make such representations to the Government of New Granada as will, it is hoped, lead to a prompt removal of this cause of complaint.

The sanguinary civil war with which the Republic of Venezuela has for some time past been ravaged has been brought to a close. In its progress the rights of some of our citizens resident or trading there have been violated. The restoration of order will afford the Venezuelan Government an opportunity to examine and redress these grievances and others of longer standing which our representatives at Caracas have hitherto ineffectually urged upon the attention of that Government.

The extension of the coast of the United States on the Pacific and the unexampled rapidity with which the inhabitants of California especially are increasing in numbers have imparted new consequence to our relations with the other countries whose territories border upon that ocean. It is probable that the intercourse between those countries and our possessions in that quarter, particularly with the Republic of Chili, will become extensive and mutually advantageous in proportion as California and Oregon shall increase in population and wealth. It is desirable, therefore, that this Government should do everything in its power to foster and strengthen its relations with those States, and that the spirit of amity between us should be mutual and cordial.

I recommend the observance of the same course toward all other American States. The United States stand as the great American power, to which, as their natural ally and friend, they will always be disposed first to look for mediation and assistance in the event of any collision between them and any European nation. As such we may often kindly mediate in their behalf without entangling ourselves in foreign wars or unnecessary controversies. Whenever the faith of our treaties with any of them shall require our interference, we must necessarily interpose.

A convention has been negotiated with Brazil providing for the satisfaction of American claims on that Government, and it will be submitted to the Senate. Since the last session of Congress we have received an envoy extraordinary and minister plenipotentiary from that Empire, and our relations with it are founded upon the most amicable understanding.

Your attention is earnestly invited to an amendment of our existing laws relating to the African slave trade with a view to the effectual suppression of that barbarous traffic. It is not to be denied that this trade is still in part carried on by means of vessels built in the United States and owned or navigated by some of our citizens. The correspondence between the Department of State and the minister and consul of the United States at Rio de Janeiro, which has from time to time been laid before Congress, represents that it is a customary device to evade the penalties of our laws by means of sea letters. Vessels sold in Brazil, when provided with such papers by the consul, instead of returning to the United States for a new register proceed at once to the coast of Africa for the purpose of obtaining cargoes of slaves. Much additional information of the same character has recently been transmitted to the Department of State. It has not been considered the policy of our laws to subject an American citizen who in a foreign country purchases a vessel built in the United States to the inconvenience of sending her home for a new register before permitting her to proceed on a voyage. Any alteration of the laws which might have a tendency to impede the free transfer of property in vessels between our citizens, or the free navigation of those vessels between different parts of the world when employed in lawful commerce, should be well and cautiously considered; but I trust that your wisdom will devise a method by which our general policy in this respect may be preserved, and at the same time the abuse of our flag by means of sea letters, in the manner indicated, may be prevented.

Having ascertained that there is no prospect of the reunion of the five States of Central America which formerly composed the Republic of that name, we have separately negotiated with some of them treaties of amity and commerce, which will be laid before the Senate.

A contract having been concluded with the State of Nicaragua by a company composed of American citizens for the purpose of constructing a ship canal through the territory of that State to connect the Atlantic and Pacific oceans, I have directed the negotiation of a treaty with Nicaragua pledging both Governments to protect those who shall engage in and perfect the work. All other nations are invited by the State of Nicaragua to enter into the same treaty stipulations with her; and the benefit to be derived by each from such an arrangement will be the protection of this great interoceanic communication against any power which might seek to obstruct it or to monopolize its advantages. All States entering into such a treaty will enjoy the right of passage through the

canal on payment of the same tolls. The work, if constructed under these guaranties, will become a bond of peace instead of a subject of contention and strife between the nations of the earth. Should the great maritime States of Europe consent to this arrangement (and we have no reason to suppose that a proposition so fair and honorable will be opposed by any), the energies of their people and ours will cooperate in promoting the success of the enterprise. I do not recommend any appropriation from the National Treasury for this purpose, nor do I believe that such an appropriation is necessary. Private enterprise, if properly protected, will complete the work should it prove to be feasible. The parties who have procured the charter from Nicaragua for its construction desire no assistance from this Government beyond its protection; and they profess that, having examined the proposed line of communication, they will be ready to commence the undertaking whenever that protection shall be extended to them. Should there appear to be reason, on examining the whole evidence, to entertain a serious doubt of the practicability of constructing such a canal, that doubt could be speedily solved by an actual exploration of the route.

Should such a work be constructed under the common protection of all nations, for equal benefits to all, it would be neither just nor expedient that any great maritime state should command the communication. The territory through which the canal may be opened ought to be freed from the claims of any foreign power. No such power should occupy a position that would enable it hereafter to exercise so controlling an influence over the commerce of the world or to obstruct a highway which ought to be dedicated to the common uses of mankind.

The routes across the Isthmus at Tehuantepec and Panama are also worthy of our serious consideration. They did not fail to engage the attention of my predecessor. The negotiator of the treaty of Guadalupe Hidalgo was instructed to offer a very large sum of money for the right of transit across the Isthmus of Tehuantepec. The Mexican Government did not accede to the proposition for the purchase of the right of way, probably because it had already contracted with private individuals for the construction of a passage from the Guasacualco River to Tehuantepec. I shall not renew any proposition to purchase for money a right which ought to be equally secured to all nations on payment of a reasonable toll to the owners of the improvement, who would doubtless be well contented with that compensation and the guaranties of the maritime states of the world in separate treaties negotiated with Mexico, binding her and them to protect those who should construct the work. Such guaranties would do more to secure the completion of the communication through the territory of Mexico than any other reasonable consideration that could be offered; and as Mexico herself would be the greatest gainer by the opening of this communication between the Gulf and the Pacific Ocean, it is presumed that she would not hesitate to yield

her aid in the manner proposed to accomplish an improvement so important to her own best interests.

We have reason to hope that the proposed railroad across the Isthmus at Panama will be successfully constructed under the protection of the late treaty with New Granada, ratified and exchanged by my predecessor on the 10th day of June, 1848, which guarantees the perfect neutrality of the Isthmus and the rights of sovereignty and property of New Granada over that territory, "with a view that the free transit from ocean to ocean may not be interrupted or embarrassed" during the existence of the treaty. It is our policy to encourage every practicable route across the isthmus which connects North and South America, either by railroad or canal, which the energy and enterprise of our citizens may induce them to complete, and I consider it obligatory upon me to adopt that policy, especially in consequence of the absolute necessity of facilitating intercourse with our possessions on the Pacific.

The position of the Sandwich Islands with reference to the territory of the United States on the Pacific, the success of our persevering and benevolent citizens who have repaired to that remote quarter in Christianizing the natives and inducing them to adopt a system of government and laws suited to their capacity and wants, and the use made by our numerous whale ships of the harbors of the islands as places of resort for obtaining refreshments and repairs all combine to render their destiny peculiarly interesting to us. It is our duty to encourage the authorities of those islands in their efforts to improve and elevate the moral and political condition of the inhabitants, and we should make reasonable allowances for the difficulties inseparable from this task. We desire that the islands may maintain their independence and that other nations should concur with us in this sentiment. We could in no event be indifferent to their passing under the dominion of any other power. The principal commercial states have in this a common interest, and it is to be hoped that no one of them will attempt to interpose obstacles to the entire independence of the islands.

The receipts into the Treasury for the fiscal year ending on the 30th of June last were, in cash, $48,830,097.50, and in Treasury notes funded $10,833,000, making an aggregate of $59,663,097.50; and the expenditures for the same time were, in cash, $46,798,667.82, and in Treasury notes funded $10,833,000, making an aggregate of $57,631,667.82.

The accounts and estimates which will be submitted to Congress in the report of the Secretary of the Treasury show that there will probably be a deficit occasioned by the expenses of the Mexican War and treaty on the 1st day of July next of $5,828,121.66, and on the 1st day of July, 1851, of $10,547,092.73, making in the whole a probable deficit to be provided for of $16,375,214.39. The extraordinary expenses of the war with Mexico and the purchase of California and New Mexico exceed in amount this deficit, together with the loans heretofore made for those

objects. I therefore recommend that authority be given to borrow whatever sum may be necessary to cover that deficit. I recommend the observance of strict economy in the appropriation and expenditure of public money.

I recommend a revision of the existing tariff and its adjustment on a basis which may augment the revenue. I do not doubt the right or duty of Congress to encourage domestic industry, which is the great source of national as well as individual wealth and prosperity. I look to the wisdom and patriotism of Congress for the adoption of a system which may place home labor at last on a sure and permanent footing and by due encouragement of manufactures give a new and increased stimulus to agriculture and promote the development of our vast resources and the extension of our commerce. Believing that to the attainment of these ends, as well as the necessary augmentation of the revenue and the prevention of frauds, a system of specific duties is best adapted, I strongly recommend to Congress the adoption of that system, fixing the duties at rates high enough to afford substantial and sufficient encouragement to our own industry and at the same time so adjusted as to insure stability.

The question of the continuance of the subtreasury system is respectfully submitted to the wisdom of Congress. If continued, important modifications of it appear to be indispensable.

For further details and views on the above and other matters connected with commerce, the finances, and revenue I refer to the report of the Secretary of the Treasury.

No direct aid has been given by the General Government to the improvement of agriculture except by the expenditure of small sums for the collection and publication of agricultural statistics and for some chemical analyses, which have been thus far paid for out of the patent fund. This aid is, in my opinion, wholly inadequate. To give to this leading branch of American industry the encouragement which it merits, I respectfully recommend the establishment of an agricultural bureau, to be connected with the Department of the Interior. To elevate the social condition of the agriculturist, to increase his prosperity, and to extend his means of usefulness to his country, by multiplying his sources of information, should be the study of every statesman and a primary object with every legislator.

No civil government having been provided by Congress for California, the people of that Territory, impelled by the necessities of their political condition, recently met in convention for the purpose of forming a constitution and State government, which the latest advices give me reason to suppose has been accomplished; and it is believed they will shortly apply for the admission of California into the Union as a sovereign State. Should such be the case, and should their constitution be conformable to the requisitions of the Constitution of the United States, I recommend their application to the favorable consideration of Congress.

The people of New Mexico will also, it is believed, at no very distant period present themselves for admission into the Union. Preparatory to the admission of California and New Mexico the people of each will have instituted for themselves a republican form of government, "laying its foundation in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness." By awaiting their action all causes of uneasiness may be avoided and confidence and kind feeling preserved. With a view of maintaining the harmony and tranquillity so dear to all, we should abstain from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind; and I repeat the solemn warning of the first and most illustrious of my predecessors against furnishing "any ground for characterizing parties by geographical discriminations."

A collector has been appointed at San Francisco under the act of Congress extending the revenue laws over California, and measures have been taken to organize the custom-houses at that and the other ports mentioned in that act at the earliest period practicable. The collector proceeded overland, and advices have not yet been received of his arrival at San Francisco. Meanwhile, it is understood that the customs have continued to be collected there by officers acting under the military authority, as they were during the Administration of my predecessor. It will, I think, be expedient to confirm the collections thus made, and direct the avails (after such allowances as Congress may think fit to authorize) to be expended within the Territory or to be paid into the Treasury for the purpose of meeting appropriations for the improvement of its rivers and harbors.

A party engaged on the coast survey was dispatched to Oregon in January last. According to the latest advices, they had not left California; and directions have been given to them, as soon as they shall have fixed on the sites of the two light-houses and the buoys authorized to be constructed and placed in Oregon, to proceed without delay to make reconnoissances of the most important points on the coast of California, and especially to examine and determine on sites for light-houses on that coast, the speedy erection of which is urgently demanded by our rapidly increasing commerce.

I have transferred the Indian agencies from upper Missouri and Council Bluffs to Santa Fe and Salt Lake, and have caused to be appointed subagents in the valleys of the Gila, the Sacramento, and the San Joaquin rivers. Still further legal provisions will be necessary for the effective and successful extension of our system of Indian intercourse over the new territories.

I recommend the establishment of a branch mint in California, as it will, in my opinion, afford important facilities to those engaged in mining, as well as to the Government in the disposition of the mineral lands.

I also recommend that commissions be organized by Congress to examine and decide upon the validity of the present subsisting land titles in California and New Mexico, and that provision be made for the establishment of offices of surveyor-general in New Mexico, California, and Oregon and for the surveying and bringing into market the public lands in those Territories. Those lands, remote in position and difficult of access, ought to be disposed of on terms liberal to all, but especially favorable to the early emigrants.

In order that the situation and character of the principal mineral deposits in California may be ascertained, I recommend that a geological and mineralogical exploration be connected with the linear surveys, and that the mineral lands be divided into small lots suitable for mining and be disposed of by sale or lease, so as to give our citizens an opportunity of procuring a permanent right of property in the soil. This would seem to be as important to the success of mining as of agricultural pursuits.

The great mineral wealth of California and the advantages which its ports and harbors and those of Oregon afford to commerce, especially with the islands of the Pacific and Indian oceans and the populous regions of eastern Asia, make it certain that there will arise in a few years large and prosperous communities on our western coast. It therefore becomes important that a line of communication, the best and most expeditious which the nature of the country will admit, should be opened within the territory of the United States from the navigable waters of the Atlantic or the Gulf of Mexico to the Pacific. Opinion, as elicited and expressed by two large and respectable conventions lately assembled at St. Louis and Memphis, points to a railroad as that which, if practicable, will best meet the wishes and wants of the country. But while this, if in successful operation, would be a work of great national importance and of a value to the country which it would be difficult to estimate, it ought also to be regarded as an undertaking of vast magnitude and expense, and one which must, if it be indeed practicable, encounter many difficulties in its construction and use. Therefore, to avoid failure and disappointment; to enable Congress to judge whether in the condition of the country through which it must pass the work be feasible, and, if it be found so, whether it should be undertaken as a national improvement or left to individual enterprise, and in the latter alternative what aid, if any, ought to be extended to it by the Government, I recommend as a preliminary measure a careful reconnoissance of the several proposed routes by a scientific corps and a report as to the practicability of making such a road, with an estimate of the cost of its construction and support.

For further views on these and other matters connected with the duties of the home department I refer you to the report of the Secretary of the Interior.

I recommend early appropriations for continuing the river and harbor improvements which have been already begun, and also for the construc-

tion of those for which estimates have been made, as well as for examinations and estimates preparatory to the commencement of such others as the wants of the country, and especially the advance of our population over new districts and the extension of commerce, may render necessary. An estimate of the amount which can be advantageously expended within the next fiscal year under the direction of the Bureau of Topographical Engineers accompanies the report of the Secretary of War, to which I respectfully invite the attention of Congress.

The cession of territory made by the late treaty with Mexico has greatly extended our exposed frontier and rendered its defense more difficult. That treaty has also brought us under obligations to Mexico, to comply with which a military force is requisite. But our military establishment is not materially changed as to its efficiency from the condition in which it stood before the commencement of the Mexican War. Some addition to it will therefore be necessary, and I recommend to the favorable consideration of Congress an increase of the several corps of the Army at our distant Western posts, as proposed in the accompanying report of the Secretary of War.

Great embarrassment has resulted from the effect upon rank in the Army heretofore given to brevet and staff commissions. The views of the Secretary of War on this subject are deemed important, and if carried into effect will, it is believed, promote the harmony of the service. The plan proposed for retiring disabled officers and providing an asylum for such of the rank and file as from age, wounds, and other infirmities occasioned by service have become unfit to perform their respective duties is recommended as a means of increasing the efficiency of the Army and as an act of justice due from a grateful country to the faithful soldier.

The accompanying report of the Secretary of the Navy presents a full and satisfactory account of the condition and operations of the naval service during the past year. Our citizens engaged in the legitimate pursuits of commerce have enjoyed its benefits. Wherever our national vessels have gone they have been received with respect, our officers have been treated with kindness and courtesy, and they have on all occasions pursued a course of strict neutrality, in accordance with the policy of our Government.

The naval force at present in commission is as large as is admissible with the number of men authorized by Congress to be employed.

I invite your attention to the recommendation of the Secretary of the Navy on the subject of a reorganization of the Navy in its various grades of officers, and the establishing of a retired list for such of the officers as are disqualified for active and effective service. Should Congress adopt some such measure as is recommended, it will greatly increase the efficiency of the Navy and reduce its expenditures.

I also ask your attention to the views expressed by him in reference to the employment of war steamers and in regard to the contracts for the

transportation of the United States mails and the operation of the system upon the prosperity of the Navy.

By an act of Congress passed August 14, 1848, provision was made for extending post-office and mail accommodations to California and Oregon. Exertions have been made to execute that law, but the limited provisions of the act, the inadequacy of the means it authorizes, the ill adaptation of our post-office laws to the situation of that country, and the measure of compensation for services allowed by those laws, compared with the prices of labor and rents in California, render those exertions in a great degree ineffectual. More particular and efficient provision by law is required on this subject.

The act of 1845 reducing postage has now, by its operation during four years, produced results fully showing that the income from such reduced postage is sufficient to sustain the whole expense of the service of the Post-Office Department, not including the cost of transportation in mail steamers on the lines from New York to Chagres and from Panama to Astoria, which have not been considered by Congress as properly belonging to the mail service.

It is submitted to the wisdom of Congress whether a further reduction of postage should not now be made, more particularly on the letter correspondence. This should be relieved from the unjust burden of transporting and delivering the franked matter of Congress, for which public service provision should be made from the Treasury. I confidently believe that a change may safely be made reducing all single-letter postage to the uniform rate of 5 cents, regardless of distance, without thereby imposing any greater tax on the Treasury than would constitute a very moderate compensation for this public service; and I therefore respectfully recommend such a reduction. Should Congress prefer to abolish the franking privilege entirely, it seems probable that no demand on the Treasury would result from the proposed reduction of postage. Whether any further diminution should now be made, or the result of the reduction to 5 cents, which I have recommended, should be first tested, is submitted to your decision.

Since the commencement of the last session of Congress a postal treaty with Great Britain has been received and ratified, and such relations have been formed by the post-office departments of the two countries in pursuance of that treaty as to carry its provisions into full operation. The attempt to extend this same arrangement through England to France has not been equally successful, but the purpose has not been abandoned.

For a particular statement of the condition of the Post-Office Department and other matters connected with that branch of the public service I refer you to the report of the Postmaster-General.

By the act of the 3d of March, 1849, a board was constituted to make arrangements for taking the Seventh Census, composed of the Secretary of State, the Attorney-General, and the Postmaster-General; and it was

made the duty of this board "to prepare and cause to be printed such forms and schedules as might be necessary for the full enumeration of the inhabitants of the United States, and also proper forms and schedules for collecting in statistical tables, under proper heads, such information as to mines, agriculture, commerce, manufactures, education, and other topics as would exhibit a full view of the pursuits, industry, education, and resources of the country." The duties enjoined upon the census board thus established having been performed, it now rests with Congress to enact a law for carrying into effect the provision of the Constitution which requires an actual enumeration of the people of the United States within the ensuing year.

Among the duties assigned by the Constitution to the General Government is one of local and limited application, but not on that account the less obligatory. I allude to the trust committed to Congress as the exclusive legislator and sole guardian of the interests of the District of Columbia. I beg to commend these interests to your kind attention. As the national metropolis the city of Washington must be an object of general interest; and founded, as it was, under the auspices of him whose immortal name it bears, its claims to the fostering care of Congress present themselves with additional strength. Whatever can contribute to its prosperity must enlist the feelings of its constitutional guardians and command their favorable consideration.

Our Government is one of limited powers, and its successful administration eminently depends on the confinement of each of its coordinate branches within its own appropriate sphere. The first section of the Constitution ordains that—

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The Executive has authority to recommend (not to dictate) measures to Congress. Having performed that duty, the executive department of the Government can not rightfully control the decision of Congress on any subject of legislation until that decision shall have been officially submitted to the President for approval. The check provided by the Constitution in the clause conferring the qualified veto will never be exercised by me except in the cases contemplated by the fathers of the Republic. I view it as an extreme measure, to be resorted to only in extraordinary cases, as where it may become necessary to defend the executive against the encroachments of the legislative power or to prevent hasty and inconsiderate or unconstitutional legislation. By cautiously confining this remedy within the sphere prescribed to it in the cotemporaneous expositions of the framers of the Constitution, the will of the people, legitimately expressed on all subjects of legislation through their constitutional organs, the Senators and Representatives of the United States, will have its full effect. As indispensable to the preservation

of our system of self-government, the independence of the representatives of the States and the people is guaranteed by the Constitution, and they owe no responsibility to any human power but their constituents. By holding the representative responsible only to the people, and exempting him from all other influences, we elevate the character of the constituent and quicken his sense of responsibility to his country. It is under these circumstances only that the elector can feel that in the choice of the lawmaker he is himself truly a component part of the sovereign power of the nation. With equal care we should study to defend the rights of the executive and judicial departments. Our Government can only be preserved in its purity by the suppression and entire elimination of every claim or tendency of one coordinate branch to encroachment upon another. With the strict observance of this rule and the other injunctions of the Constitution, with a sedulous inculcation of that respect and love for the Union of the States which our fathers cherished and enjoined upon their children, and with the aid of that overruling Providence which has so long and so kindly guarded our liberties and institutions, we may reasonably expect to transmit them, with their innumerable blessings, to the remotest posterity.

But attachment to the Union of the States should be habitually fostered in every American heart. For more than half a century, during which kingdoms and empires have fallen, this Union has stood unshaken. The patriots who formed it have long since descended to the grave; yet still it remains, the proudest monument to their memory and the object of affection and admiration with everyone worthy to bear the American name. In my judgment its dissolution would be the greatest of calamities, and to avert that should be the study of every American. Upon its preservation must depend our own happiness and that of countless generations to come. Whatever dangers may threaten it, I shall stand by it and maintain it in its integrity to the full extent of the obligations imposed and the powers conferred upon me by the Constitution.

Z. TAYLOR.

SPECIAL MESSAGES.

WASHINGTON, *December 17, 1849.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Majesty the Emperor of Brazil, signed at Rio de Janeiro on the 27th of January last, providing for the adjustment of claims of citizens of the United States on the Brazilian Government. A copy of a dispatch from Mr. Tod, the United States minister at Rio de Janeiro, relative to the convention is also herewith

communicated. As it is understood that the Emperor's ratification is ready to be exchanged for that of the United States, and as the period limited for the exchange will expire on the 27th of next month, it is desirable that the decision of the Senate in regard to the instrument should be known as soon as may be convenient.

Z. TAYLOR.

WASHINGTON, *December 21, 1849.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and His Majesty the King of the Hawaiian Islands, yesterday concluded and signed in this city on the part of the respective Governments by the Secretary of State of the United States and by James Jackson Jarves, His Hawaiian Majesty's special commissioner.

Z. TAYLOR.

WASHINGTON, *December 27, 1849.*

To the Senate and House of Representatives:

In consequence of the unexpected delay in proceeding to business, I deem it necessary to invite the immediate attention of Congress to so much of the report of the Secretary of the Treasury as relates to the appropriations required for the expenses of collecting the revenue for the second half of the current fiscal year.

Z. TAYLOR.

WASHINGTON, *January 4, 1850.*

To the Senate and House of Representatives of the United States:

I herewith submit to you copies of a correspondence with the lady of Sir John Franklin, relative to the well-known expedition under his command to the arctic regions for the discovery of a northwest passage. On the receipt of her first letter imploring the aid of the American Government in a search for the missing ships engaged in an enterprise which interested all civilized nations, I anxiously sought the means of affording that assistance, but was prevented from accomplishing the object I had in view in consequence of the want of vessels suitable to encounter the perils of a proper exploration, the lateness of the season, and the want of an appropriation by Congress to enable me to furnish and equip an efficient squadron for that object. All that I could do in compliance with a request which I was deeply anxious to gratify was to cause the advertisements of reward promulged by the British Government and the best information I could obtain as to the means of finding the vessels under the command of Sir John Franklin to be widely circulated among our whalers and seafaring men whose spirit of enterprise might lead them to the inhospitable regions where that heroic officer and his brave followers,

who periled their lives in the cause of science and for the benefit of the world, were supposed to be imprisoned among the icebergs or wrecked upon a desert shore.

Congress being now in session, the propriety and expediency of an appropriation for fitting out an expedition to proceed in search of the missing ships, with their officers and crews, is respectfully submitted to your consideration.

Z. TAYLOR.

EXECUTIVE OFFICE, *January 14, 1850.*

The PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: I transmit herewith, to be laid before the Senate for its constitutional action thereon, a treaty concluded with the half-breeds of the Dacotah or Sioux Indians for lands reserved for them in the treaty of July 15, 1830, with the Sioux and other Indians, with accompanying papers.

Z. TAYLOR.

WASHINGTON, *January 14, 1850.*

To the Senate of the United States:

I herewith transmit reports from the Secretary of State and the Secretary of the Navy, containing the information called for by the resolution of the Senate of the 7th instant, in relation to the abduction* of Rey, *alias* Garcia, from New Orleans.

Z. TAYLOR.

WASHINGTON, *January 14, 1850.*

To the Senate of the United States:

I transmit to the Senate, for their consideration, a copy of a correspondence between the Department of State and the chargé d'affaires of Austria near this Government, on the subject of the convention for the extension of certain stipulations contained in the treaty of commerce and navigation of August 27, 1829, between the United States and Austria, concluded and signed on the 8th of May, 1848, and submitted to the Senate on the same day by my predecessor.

Z. TAYLOR.

WASHINGTON, *January 23, 1850.*

To the Senate of the United States:

I transmit to the Senate, in answer to a resolution of that body passed on the 17th instant, the accompanying reports of heads of Departments, which contain all the official information in the possession of the Executive asked for by the resolution.

*By the Spanish consul at New Orleans.

On coming into office I found the military commandant of the Department of California exercising the functions of civil governor in that Territory, and left, as I was, to act under the treaty of Guadalupe Hidalgo, without the aid of any legislative provision establishing a government in that Territory, I thought it best not to disturb that arrangement, made under my predecessor, until Congress should take some action on that subject. I therefore did not interfere with the powers of the military commandant, who continued to exercise the functions of civil governor as before; but I made no such appointment, conferred no such authority, and have allowed no increased compensation to the commandant for his services.

With a view to the faithful execution of the treaty so far as lay in the power of the Executive, and to enable Congress to act at the present session with as full knowledge and as little difficulty as possible on all matters of interest in these Territories, I sent the Hon. Thomas Butler King as bearer of dispatches to California, and certain officers to California and New Mexico, whose duties are particularly defined in the accompanying letters of instruction addressed to them severally by the proper Departments.

I did not hesitate to express to the people of those Territories my desire that each Territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State constitution and submit the same to Congress with a prayer for admission into the Union as a State, but I did not anticipate, suggest, or authorize the establishment of any such government without the assent of Congress, nor did I authorize any Government agent or officer to interfere with or exercise any influence or control over the election of delegates or over any convention in making or modifying their domestic institutions or any of the provisions of their proposed constitution. On the contrary, the instructions given by my orders were that all measures of domestic policy adopted by the people of California must originate solely with themselves; that while the Executive of the United States was desirous to protect them in the formation of any government republican in its character, to be at the proper time submitted to Congress, yet it was to be distinctly understood that the plan of such a government must at the same time be the result of their own deliberate choice and originate with themselves, without the interference of the Executive.

I am unable to give any information as to laws passed by any supposed government in California or of any census taken in either of the Territories mentioned in the resolution, as I have no information on those subjects.

As already stated, I have not disturbed the arrangements which I found had existed under my predecessor.

In advising an early application by the people of these Territories for admission as States I was actuated principally by an earnest desire to

afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry dissensions among the people of the United States.

Under the Constitution every State has the right of establishing and from time to time altering its municipal laws and domestic institutions independently of every other State and of the General Government, subject only to the prohibitions and guaranties expressly set forth in the Constitution of the United States. The subjects thus left exclusively to the respective States were not designed or expected to become topics of national agitation. Still, as under the Constitution Congress has power to make all needful rules and regulations respecting the Territories of the United States, every new acquisition of territory has led to discussions on the question whether the system of involuntary servitude which prevails in many of the States should or should not be prohibited in that territory. The periods of excitement from this cause which have heretofore occurred have been safely passed, but during the interval, of whatever length, which may elapse before the admission of the Territories ceded by Mexico as States it appears probable that similar excitement will prevail to an undue extent.

Under these circumstances I thought, and still think, that it was my duty to endeavor to put it in the power of Congress, by the admission of California and New Mexico as States, to remove all occasion for the unnecessary agitation of the public mind.

It is understood that the people of the western part of California have formed a plan of a State constitution and will soon submit the same to the judgment of Congress and apply for admission as a State. This course on their part, though in accordance with, was not adopted exclusively in consequence of, any expression of my wishes, inasmuch as measures tending to this end had been promoted by the officers sent there by my predecessor, and were already in active progress of execution before any communication from me reached California. If the proposed constitution shall, when submitted to Congress, be found to be in compliance with the requisitions of the Constitution of the United States, I earnestly recommend that it may receive the sanction of Congress.

The part of California not included in the proposed State of that name is believed to be uninhabited, except in a settlement of our countrymen in the vicinity of Salt Lake.

A claim has been advanced by the State of Texas to a very large portion of the most populous district of the Territory commonly designated by the name of New Mexico. If the people of New Mexico had formed a plan of a State government for that Territory as ceded by the treaty of Guadalupe Hidalgo, and had been admitted by Congress as a State, our Constitution would have afforded the means of obtaining an adjustment of the question of boundary with Texas by a judicial decision. At present, however, no judicial tribunal has the power of deciding that

question, and it remains for Congress to devise some mode for its adjustment. Meanwhile I submit to Congress the question whether it would be expedient before such adjustment to establish a Territorial government, which by including the district so claimed would practically decide the question adversely to the State of Texas, or by excluding it would decide it in her favor. In my opinion such a course would not be expedient, especially as the people of this Territory still enjoy the benefit and protection of their municipal laws originally derived from Mexico and have a military force stationed there to protect them against the Indians. It is undoubtedly true that the property, lives, liberties, and religion of the people of New Mexico are better protected than they ever were before the treaty of cession.

Should Congress, when California shall present herself for incorporation into the Union, annex a condition to her admission as a State affecting her domestic institutions contrary to the wishes of her people, and even compel her temporarily to comply with it, yet the State could change her constitution at any time after admission when to her it should seem expedient. Any attempt to deny to the people of the State the right of self-government in a matter which peculiarly affects themselves will infallibly be regarded by them as an invasion of their rights, and, upon the principles laid down in our own Declaration of Independence, they will certainly be sustained by the great mass of the American people. To assert that they are a conquered people and must as a State submit to the will of their conquerors in this regard will meet with no cordial response among American freemen. Great numbers of them are native citizens of the United States, not inferior to the rest of our countrymen in intelligence and patriotism, and no language of menace to restrain them in the exercise of an undoubted right, substantially guaranteed to them by the treaty of cession itself, shall ever be uttered by me or encouraged and sustained by persons acting under my authority. It is to be expected that in the residue of the territory ceded to us by Mexico the people residing there will at the time of their incorporation into the Union as a State settle all questions of domestic policy to suit themselves.

No material inconvenience will result from the want for a short period of a government established by Congress over that part of the territory which lies eastward of the new State of California; and the reasons for my opinion that New Mexico will at no very distant period ask for admission into the Union are founded on unofficial information which, I suppose, is common to all who have cared to make inquiries on that subject.

Seeing, then, that the question which now excites such painful sensations in the country will in the end certainly be settled by the silent effect of causes independent of the action of Congress, I again submit to your wisdom the policy recommended in my annual message of awaiting the salutary operation of those causes, believing that we shall thus avoid the creation of geographical parties and secure the harmony of feeling so

necessary to the beneficial action of our political system. Connected, as the Union is, with the remembrance of past happiness, the sense of present blessings, and the hope of future peace and prosperity, every dictate of wisdom, every feeling of duty, and every emotion of patriotism tend to inspire fidelity and devotion to it and admonish us cautiously to avoid any unnecessary controversy which can either endanger it or impair its strength, the chief element of which is to be found in the regard and affection of the people for each other.

Z. TAYLOR.

[A similar message, dated January 21, 1850, was sent to the House of Representatives, in answer to a resolution of that body.]

WASHINGTON, *January 23, 1850.*

To the Senate of the United States:

I transmit to the Senate a copy of the convention between the United States and His Majesty the Emperor of Brazil, providing for the satisfaction of claims of citizens of the United States against the Brazilian Government, signed at Rio de Janeiro on the 27th of January last, and the ratifications of which were exchanged in this city on the 18th instant. It is desirable that Congress should prescribe the mode in which the claims referred to are to be adjusted and the money stipulated to be paid by Brazil shall be distributed amongst the claimants. Extracts from dispatches of the minister of the United States at Rio de Janeiro and a copy of a letter from an agent of claimants there are also herewith communicated, to which your attention is invited. I have authorized our minister to demand, receive, and give acquittances for the amount payable by Brazil, and have caused him to be instructed to remit the same to the Treasury of the United States.

Z. TAYLOR.

[The same message was sent to the House of Representatives.]

WASHINGTON, *January 30, 1850.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 7th instant, requesting of me all the official correspondence since the 4th of March last between this Government and its military authorities at Santa Fe or with the authorities of the State of Texas relating to the boundary or occupation of Texas, and the reasons why the judicial authority of Texas has not been recognized by the military authority at Santa Fe, I herewith submit the accompanying reports, which contain the information called for by the resolution.

I have not been informed of any acts of interference by the military forces stationed at Santa Fe with the judicial authority of Texas established or sought to be established there. I have received no communi-

cation from the governor of Texas on any of the matters referred to in the resolution. And I concur in the opinion expressed by my predecessor in the letter addressed by the late Secretary of State to the governor of Texas on the 12th day of February, 1847, that the boundary between the State of Texas and the Territory of New Mexico "is a subject which more properly belongs to the legislative than to the executive branch of the Government."

Z. TAYLOR.

WASHINGTON, *February 6, 1850.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 28th ultimo, I have to state that the resolution of the Senate of the 2d of March, 1849, respecting James W. Schaumburg, was in April of that year submitted for the opinion of the Attorney-General upon questions arising in the case. No opinion had been given by him when it became necessary, prior to the meeting of the Senate, to prepare the nominations for promotions in the Army. The nomination of Lieutenant Ewell was then decided upon, after due consideration was given to the resolution of the Senate of the 2d of March, 1849.

I herewith submit a report from the Secretary of War, showing the grounds upon which the decision above referred to was made.

Z. TAYLOR.

WASHINGTON, *February 13, 1850.*

To the Senate of the United States:

I have received a resolution of the Senate of the 28th ultimo, requesting the President of the United States "to cause to be laid before the Senate, in open session if in his opinion consistent with the public interest, otherwise in executive session, copies of all instructions and communications of the late Secretary of State to our late chargé d'affaires to Guatemala and all dispatches and communications from said chargé d'affaires to the Department of State, including any conventions or treaties he may have concluded with either of the States composing the late Republic of Central America; and also all correspondence between our said chargé d'affaires and the Government or representatives of either of said States; and also all instructions and communications from the present Secretary of State to our late chargé d'affaires or our present chargé d'affaires to either of said States and all dispatches or communications from our chargé d'affaires to the Department of State, including any conventions or treaties he may have concluded with either of said States; and also all correspondence between the Department of State and either of said chargés d'affaires touching the so-called Kingdom of the Mosquitos and the right of way from the Atlantic to the Pacific through Lake Nicaragua."

The information called for by this resolution will be cheerfully communicated to the Senate as soon as it shall be found to be compatible with the public interest.

Z. TAYLOR.

WASHINGTON, *February 13, 1850.*

To the House of Representatives of the United States:

I have received a resolution of the House of Representatives of the 24th ultimo, requesting the President of the United States "to communicate to that body (provided the publication thereof be not prejudicial to the public interest) all such information as may be within the knowledge of the executive department relative to the alleged extraordinary proceedings of the English Government in the forcible seizure and occupation of the island of Tigre, in the State of Nicaragua, Central America; also all facts, circumstances, or communications within the knowledge of the Executive relative to any seizure, occupation, or attempted seizure or occupation, by the English Government of any port, river, town, territory, or island belonging to or claimed by any of the States of Central America; also that he be requested to communicate to this House, if not incompatible with the public interest, all treaties not heretofore published which may have been negotiated with any of the States of Central America by any person acting by authority from the late Administration or under the auspices of the present Executive." The information called for by this resolution will be cheerfully communicated to the House as soon as it shall be found compatible with the public interest.

Z. TAYLOR.

WASHINGTON, *February 13, 1850.*

To the House of Representatives of the United States:

I transmit herewith to the House of Representatives, for the information of that body, an authenticated copy of the constitution of the State of California, received by me from General Riley.

Z. TAYLOR.

WASHINGTON, *February 13, 1850.*

To the Senate of the United States:

I transmit herewith to the Senate, for the information of that body, an authenticated copy of the constitution of California, received by me from the Hon. William M. Gwyn.

Z. TAYLOR.

WASHINGTON, *March 1, 1850.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 12th ultimo, requesting the President of the United States "to inform the Senate of the amount

of prize money paid into the Treasury in conformity with the eighteenth section of the act of March 3, 1849," etc., I transmit herewith a report from the Secretary of the Navy, with accompanying documents.

Z. TAYLOR.

WASHINGTON, *March 4, 1850.*

To the Senate and House of Representatives of the United States:

I herewith transmit to Congress copies of a recent correspondence between the Department of State and the British minister at Washington, relating to subjects* which seem to require the consideration of the legislative rather than the executive branch of the Government.

Z. TAYLOR.

WASHINGTON, *March 6, 1850.*

To the Senate of the United States:

In answer to the inquiries contained in the resolution of the Senate of the 4th instant, in relation to the appointment of postmasters by the Postmaster-General, I send to the Senate herewith the letter of the Postmaster-General furnishing the desired information.

Z. TAYLOR.

MARCH 8, 1850.

To the Senate of the United States:

The Postmaster-General has this day communicated to me the letter herewith transmitted, in addition to his communication by me sent to the Senate on the 6th instant, in relation to the inquiries contained in the resolution of the Senate as to the appointment of postmasters.

Z. TAYLOR.

WASHINGTON, *March 19, 1850.*

To the Senate of the United States:

I transmit herewith, for the consideration and constitutional action of the Senate, a communication from the Secretary of the Interior, covering two treaties with Indians of New Mexico, one negotiated with the Navajo tribe on the 9th of September last by Colonel John Washington, of the Army, and J. S. Calhoun, United States Indian agent at Santa Fe, and the other with the Utah tribe, negotiated by J. S. Calhoun on the 13th of December last.

Z. TAYLOR.

WASHINGTON, *March 19, 1850.*

To the Senate of the United States:

I herewith transmit to the Senate, for their advice in regard to its ratification, "a general treaty of amity, navigation, and commerce" between

*Navigation laws and tariff on British productions.

the United States of America and the State of Nicaragua, concluded at Leon by E. George Squier, chargé d'affaires of the United States, on their part, and Señor Zepeda, on the part of the Republic of Nicaragua.

I also transmit, for the advice of the Senate in regard to its ratification, "a general treaty of amity, navigation, and commerce" negotiated by Mr. Squier with the Republic of San Salvador.

I also transmit to the Senate a copy of the instructions to and correspondence with the said chargé d'affaires relating to those treaties.

I also transmit, for the advice of the Senate in regard to its ratification, "a general treaty of peace, amity, commerce, and navigation" negotiated by Elijah Hise, our late chargé d'affaires, with the State of Guatemala.

I also transmit, for the information of the Senate, a copy of a treaty negotiated by Mr. Hise with the Government of Nicaragua on the 21st of June last, accompanied by copies of his instructions from and correspondence with the Department of State.

On the 12th day of November, 1847, Señor Buétrago, secretary of state and of the affairs of war and foreign relations and domestic administration of the Supreme Government of the State of Nicaragua, addressed a letter from the Government House at Leon to Mr. Buchanan, then Secretary of State of the United States, asking the friendly offices of this Government to prevent an attack upon the town of San Juan de Nicaragua, then contemplated by the British authorities as the allies of the Mosquito King. That letter, a translation of which is herewith sent, distinctly charges that—

> The object of the British in taking this key of the continent is not to protect the small tribe of the Mosquitos, but to establish their own empire over the Atlantic extremity of the line, by which a canal connecting the two oceans is most practicable, insuring to them the preponderance on the American continent, as well as their direct relations with Asia, the East Indies, and other important countries in the world.

No answer appears to have been returned to this letter.

A communication was received by my predecessor from Don José Guerrero, President and Supreme Director of the State of Nicaragua, dated the 15th day of December, 1847, expressing his desire to establish relations of amity and commerce with the United States, a translation of which is herewith inclosed. In this the President of Nicaragua says:

> My desire was carried to the utmost on seeing in your message at the opening of the Twenty-ninth Congress of your Republic a sincere profession of political faith in all respects conformable with the principles professed by these States, determined, as they are, to sustain with firmness the continental cause, the rights of Americans in general, and the noninterference of European powers in their concerns.

This letter announces the critical situation in which Nicaragua was placed and charges upon the Court of St. James a "well-known design to establish colonies on the coast of Nicaragua and to render itself master of the interoceanic canal, for which so many facilities are presented by the isthmus in that State." No reply was made to this letter.

The British ships of war *Alarm* and *Vixen* arrived at San Juan de Nicaragua on the 8th day of February, 1848, and on the 12th of that month the British forces, consisting of 260 officers and men, attacked and captured the post of Serapaqui, garrisoned, according to the British statements, by about 200 soldiers, after a sharp action of one hour and forty minutes.

On the 7th day of March, 1848, articles of agreement were concluded by Captain Locke, on the part of Great Britain, with the commissioners of the State of Nicaragua in the island of Cuba, in the Lake of Nicaragua, a copy of which will be found in the correspondence relating to the Mosquito Territory presented to and published by the House of Commons of Great Britain on the 3d day of July, 1848, herewith submitted. A copy of the same document will also be found accompanying the note of the minister for foreign affairs of Nicaragua to the Secretary of State of the United States under date the 17th March, 1848.

By the third article of the agreement it is provided that Nicaragua "shall not disturb the inhabitants of San Juan, understanding that any such act will be considered by Great Britain as a declaration of open hostilities." By the sixth article it is provided that these articles of agreement will not "hinder Nicaragua from soliciting by means of a commissioner to Her Britannic Majesty a final arrangement of these affairs."

The communication from Señor Sebastian Salinas, the secretary of foreign affairs of the State of Nicaragua, to Mr. Buchanan, the Secretary of State of the United States, dated 17th March, 1848, a translation of which is herewith submitted, recites the aggressions of Great Britain and the seizure of a part of the Nicaraguan territory in the name of the Mosquito King. No answer appears to have been given to this letter.

On the 28th day of October, 1847, Joseph W. Livingston was appointed by this Government consul of the United States for the port of San Juan de Nicaragua. On the 16th day of December, 1847, after having received his exequatur from the Nicaraguan Government, he addressed a letter to Mr. Buchanan, Secretary of State, a copy of which is herewith submitted, representing that he had been informed that the English Government would take possession of San Juan de Nicaragua in January, 1848.

In another letter, dated the 8th of April, 1848, Mr. Livingston states that "at the request of the minister for foreign affairs of Nicaragua he transmits a package of papers containing the correspondence relative to the occupation of the port of San Juan by British forces in the name of the Mosquito nation."

On the 3d day of June, 1848, Elijah Hise, being appointed chargé d'affaires of the United States to Guatemala, received his instructions, a copy of which is herewith submitted. In these instructions the following passages occur:

The independence as well as the interests of the nations on this continent require that they should maintain the American system of policy entirely distinct from that

which prevails in Europe. To suffer any interference on the part of the European Governments with the domestic concerns of the American Republics and to permit them to establish new colonies upon this continent would be to jeopard their independence and to ruin their interests. These truths ought everywhere throughout this continent to be impressed on the public mind. But what can the United States do to resist such European interference whilst the Spanish American Republics continue to weaken themselves by division and civil war and deprive themselves of the ability of doing anything for their own protection?

This last significant inquiry seems plainly to intimate that the United States could do nothing to arrest British aggression while the Spanish American Republics continue to weaken themselves by division and civil war and deprive themselves of the ability of doing anything for their protection.

These instructions, which also state the dissolution of the Central American Republic, formerly composed of the five States of Nicaragua, Costa Rica, Honduras, San Salvador, and Guatemala, and their continued separation, authorize Mr. Hise to conclude treaties of commerce with the Republics of Guatemala and San Salvador, but conclude with saying that it was not deemed advisable to empower Mr. Hise to conclude a treaty with either Nicaragua, Honduras, or Costa Rica until more full and statistical information should have been communicated by him to the Department in regard to those States than that which it possesses.

The States of Nicaragua, Costa Rica, and Honduras are the only Central American States whose consent or cooperation would in any event be necessary for the construction of the ship canal contemplated between the Pacific and Atlantic oceans by the way of Lake Nicaragua.

In pursuance of the sixth article of the agreement of the 7th of March, 1848, between the forces of Great Britain and the authorities of Nicaragua, Señor Francisco Castillon was appointed commissioner from Nicaragua to Great Britain, and on the 5th day of November, 1848, while at Washington on his way to London, addressed a letter to the Secretary of State, a translation of which is herewith submitted, asking this Government to instruct its minister plenipotentiary residing in London to sustain the right of Nicaragua to her territory claimed by Mosquito, and especially to the port of San Juan, expressing the hope of Nicaragua "that the Government of the Union, firmly adhering to its principle of resisting all foreign intervention in America, would not hesitate to order such steps to be taken as might be effective before things reached a point in which the intervention of the United States would prove of no avail."

To this letter also no answer appears to have been returned, and no instructions were given to our minister in London in pursuance of the request contained in it.

On the 3d day of March, 1847, Christopher Hempstead was appointed consul at Belize, and an application was then made for his exequatur through our minister in London, Mr. Bancroft. Lord Palmerston referred Mr. Bancroft's application for an exequatur for Mr. Hempstead to the

colonial office. The exequatur was granted, and Mr. Hempstead, in a letter to the Department of State bearing date the 12th day of February, 1848, a copy of which is herewith submitted, acknowledged the receipt of his exequatur from Her Britannic Majesty, by virtue of which he has discharged his consular functions. Thus far this Government has recognized the existence of a British colony at Belize, within the territory of Honduras. I have recalled the consul, and have appointed no one to supply his place.

On the 26th day of May, 1848, Mr. Hempstead represented in a letter to the Department of State that the Indians had "applied to Her Majesty's superintendent at Belize for protection, and had desired him to take possession of the territory which they occupied and take them under his protection as British subjects;" and he added that in the event of the success of their application "the British Government would then have possession of the entire coast from Cape Conte to San Juan de Nicaragua." In another letter, dated the 29th day of July, 1848, he wrote:

> I have not a doubt but the designs of Her Majesty's officers here and on the Mosquito shore are to obtain territory on this continent.

The receipt of this letter was regularly acknowledged on the 29th day of August, 1848.

When I came into office I found the British Government in possession of the port of San Juan, which it had taken by force of arms after we had taken possession of California and while we were engaged in the negotiation of a treaty for the cession of it, and that no official remonstrance had been made by this Government against the aggression, nor any attempt to resist it. Efforts were then being made by certain private citizens of the United States to procure from the State of Nicaragua by contract the right to cut the proposed ship canal by the way of the river San Juan and the lakes of Nicaragua and Managua to Realejo, on the Pacific Ocean. A company of American citizens entered into such a contract with the State of Nicaragua. Viewing the canal as a matter of great importance to the people of the United States, I resolved to adopt the policy of protecting the work and binding the Government of Nicaragua, through whose territory it would pass, also to protect it. The instructions to E. George Squier, appointed by me chargé d'affaires to Guatemala on the 2d day of April, 1849, are herewith submitted, as fully indicating the views which governed me in directing a treaty to be made with Nicaragua. I considered the interference of the British Government on this continent in seizing the port of San Juan, which commanded the route believed to be the most eligible for the canal across the Isthmus, and occupying it at the very moment when it was known, as I believe, to Great Britain that we were engaged in the negotiation for the purchase of California, as an unfortunate coincidence, and one calculated to lead to the inference that

she entertained designs by no means in harmony with the interests of the United States.

Seeing that Mr. Hise had been positively instructed to make no treaty, not even a treaty of commerce, with Nicaragua, Costa Rica, or Honduras, I had no suspicion that he would attempt to act in opposition to his instructions, and in September last I was for the first time informed that he had actually negotiated two treaties with the State of Nicaragua, the one a treaty of commerce, the other a treaty for the construction of the proposed ship canal, which treaties he brought with him on his return home. He also negotiated a treaty of commerce with Honduras; and in each of these treaties it is recited that he had full powers for the purpose. He had no such powers, and the whole proceeding on his part with reference to those States was not only unauthorized by instructions, but in opposition to those he had received from my predecessor and after the date of his letter of recall and the appointment of his successor. But I have no evidence that Mr. Hise, whose letter of recall (a copy of which is herewith submitted) bears date the 2d day of May, 1849, had received that letter on the 21st day of June, when he negotiated the treaty with Nicaragua. The difficulty of communicating with him was so great that I have reason to believe he had not received it. He did not acknowledge it.

The twelfth article of the treaty negotiated by Mr. Hise in effect guarantees the perfect independence of the State of Nicaragua and her sovereignty over her alleged limits from the Caribbean Sea to the Pacific Ocean, pledging the naval and military power of the United States to support it. This treaty authorizes the chartering of a corporation by this Government to cut a canal outside of the limits of the United States, and gives to us the exclusive right to fortify and command it. I have not approved it, nor have I now submitted it for ratification; not merely because of the facts already mentioned, but because on the 31st day of December last Señor Edwardo Carcache, on being accredited to this Government as chargé d'affaires from the State of Nicaragua, in a note to the Secretary of State, a translation of which is herewith sent, declared that he was "only empowered to exchange ratifications of the treaty concluded with Mr. Squier, and that the special convention concluded at Guatemala by Mr. Hise, the chargé d'affaires of the United States, and Señor Selva, the commissioner of Nicaragua, had been, as was publicly and universally known, disapproved by his Government."

We have no precedent in our history to justify such a treaty as that negotiated by Mr. Hise since the guaranties we gave to France of her American possessions. The treaty negotiated with New Granada on the 12th day of December, 1846, did not guarantee the sovereignty of New Granada on the whole of her territory, but only over "the single Province of the Isthmus of Panama," immediately adjoining the line of the

railroad, the neutrality of which was deemed necessary by the President and Senate to the construction and security of the work.

The thirty-fifth article of the treaty with Nicaragua, negotiated by Mr. Squier, which is submitted for your advice in regard to its ratification, distinctly recognizes the rights of sovereignty and property which the State of Nicaragua possesses in and over the line of the canal therein provided for. If the Senate doubt on that subject, it will be clearly wrong to involve us in a controversy with England by adopting the treaty; but after the best consideration which I have been able to give to the subject my own judgment is convinced that the claims of Nicaragua are just, and that as our commerce and intercourse with the Pacific require the opening of this communication from ocean to ocean it is our duty to ourselves to assert their justice.

This treaty is not intended to secure to the United States any monopoly or exclusive advantage in the use of the canal. Its object is to guarantee protection to American citizens and others who shall construct the canal, and to defend it when completed against unjust confiscations or obstructions, and to deny the advantages of navigation through it to those nations only which shall refuse to enter into the same guaranties. A copy of the contract of the canal company is herewith transmitted, from which, as well as from the treaty, it will be perceived that the same benefits are offered to all nations in the same terms.

The message of my predecessor to the Senate of the 10th February, 1847, transmitting for ratification the treaty with New Granada, contains in general the principles by which I have been actuated in directing the negotiation with Nicaragua. The only difference between the two cases consists in this: In that of Nicaragua the British Government has seized upon part of her territory and was in possession of it when we negotiated the treaty with her. But that possession was taken after our occupation of California, when the effect of it was to obstruct or control the most eligible route for a ship communication to the territories acquired by us on the Pacific. In the case of New Granada, her possession was undisturbed at the time of the treaty, though the British possession in the right of the Mosquito King was then extended into the territories claimed by New Granada as far as Boca del Toro. The professed objects of both the treaties are to open communications across the Isthmus to all nations and to invite their guaranties on the same terms. Neither of them proposes to guarantee territory to a foreign nation in which the United States will not have a common interest with that nation. Neither of them constitutes an alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest. Nicaragua, like New Granada, is a power which will not excite the jealousy of any nation.

As there is nothing narrow, selfish, illiberal, or exclusive in the views of the United States as set forth in this treaty, as it is indispensable to

the successful completion of the contemplated canal to secure protection to it from the local authorities and this Government, and as I have no doubt that the British pretension to the port of San Juan in right of the Mosquito King is without just foundation in any public law ever before recognized in any other instance by Americans or Englishmen as applicable to Indian titles on this continent, I shall ratify this treaty in case the Senate shall advise that course. Its principal defect is taken from the treaty with New Granada, the negotiator having made it liable to be abrogated on notice after twenty years. Both treaties should have been perpetual or limited only by the duration of the improvements they were intended to protect. The instructions to our chargé d'affaires, it will be seen, prescribe no limitation for the continuance of the treaty with Nicaragua. Should the Senate approve of principle of the treaty, an amendment in this respect is deemed advisable; and it will be well to invite by another amendment the protection of other nations, by expressly offering them in the treaty what is now offered by implication only—the same advantages which we propose for ourselves on the same conditions upon which we shall have acquired them. The policy of this treaty is not novel, nor does it originate from any suggestion either of my immediate predecessor or myself. On the 3d day of March, 1835, the following resolution, referred to by the late President in his message to the Senate relative to the treaty with New Granada, was adopted in executive session by the Senate without division:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of Central America and New Granada for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations the free and equal rights of navigating such a canal to all such nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

President Jackson accorded with the policy suggested in this resolution, and in pursuance of it sent Charles Biddle as agent to negotiate with the Governments of Central America and New Granada. The result is fully set forth in the report of a select committee of the House of Representatives of the 20th of February, 1849, upon a joint resolution of Congress to authorize the survey of certain routes for a canal or railroad between the Atlantic and Pacific oceans. The policy indicated in the resolution of the 3d March, 1835, then adopted by the President and Senate, is that now proposed for the consideration and sanction of the Senate. So far as my knowledge extends, such has ever been the liberal policy of the leading statesmen of this country, and by no one has it been more earnestly recommended than by my lamented predecessor.

Z. TAYLOR.

WASHINGTON, *March 26, 1850.*

To the House of Representatives of the United States:

I herewith transmit, for the information of Congress, a copy of the report* of Thomas Butler King, esq., appointed bearer of dispatches and special agent to California, made in pursuance of instructions issued from the Department of State on the 3d day of April last.

Z. TAYLOR.

WASHINGTON, *March 28, 1850.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 22d instant, requesting the President of the United States to communicate to that body a copy of the instructions given to the agent of the United States who was employed to visit Hungary during the recent war between that country and Austria, and of the correspondence by and with such agent, so far as the publication of the same may be consistent with the public interest, I herewith transmit to the Senate a copy of the instructions to A. Dudley Mann, esq., relating to Hungary, he having been appointed by me special agent to that country on the 18th day of June last, together with a copy of the correspondence with our late chargé d'affaires to Austria referred to in those instructions and of other papers disclosing the policy of this Government in reference to Hungary and her people. I also transmit, in compliance with the resolution of the Senate, but in a separate packet, a copy of the correspondence of Mr. Mann with the Department of State. The latter I have caused to be marked "*executive*"—the information contained in it being such as will be found on examination most appropriately to belong to the Senate in the exercise of its executive functions. The publication of this correspondence of the agent sent by me to Hungary is a matter referred entirely to the judgment and discretion of the Senate.

It will be seen by the documents now transmitted that no minister or agent was accredited by the Government of Hungary to this Government at any period since I came into office, nor was any communication ever received by this Government from the minister of foreign affairs of Hungary or any other executive officer authorized to act in her behalf.

My purpose, as freely avowed in this correspondence, was to have acknowledged the independence of Hungary had she succeeded in establishing a government *de facto* on a basis sufficiently permanent in its character to have justified me in doing so according to the usages and settled principles of this Government; and although she is now fallen and many of her gallant patriots are in exile or in chains, I am free still to declare that had she been successful in the maintenance of such a government as we could have recognized we should have been the first to welcome her into the family of nations.

Z. TAYLOR.

* On California affairs.

WASHINGTON, *April 3, 1850.*

To the Senate and House of Representatives of the United States:

I transmit a translation of a note, under date the 20th of last month, addressed to the Secretary of State by the minister of the Mexican Republic accredited to this Government, expressing the views of that Government with reference to the control of the wild Indians of the United States on the frontier of Mexico, as stipulated for in the eleventh article of the treaty of Guadalupe Hidalgo.

Z. TAYLOR.

WASHINGTON, *April 22, 1850.*

To the Senate of the United States:

I herewith transmit to the Senate, for their advice with regard to its ratification, a convention between the United States and Great Britain, concluded at Washington on the 19th instant by John M. Clayton, Secretary of State, on the part of the United States, and by the Right Hon. Sir Henry Lytton Bulwer, on the part of Great Britain.

This treaty has been negotiated in accordance with the general views expressed in my message to Congress in December last. Its object is to establish a commercial alliance with all great maritime states for the protection of a contemplated ship canal through the territory of Nicaragua to connect the Atlantic and Pacific oceans, and at the same time to insure the same protection to the contemplated railways or canals by the Tehuantepec and Panama routes, as well as to every other interoceanic communication which may be adopted to shorten the transit to or from our territories on the Pacific.

It will be seen that this treaty does not propose to take money from the public Treasury to effect any object contemplated by it. It yields protection to the capitalists who may undertake to construct any canal or railway across the Isthmus, commencing in the southern part of Mexico and terminating in the territory of New Granada. It gives no preference to any one route over another, but proposes the same measure of protection for all which ingenuity and enterprise can construct. Should this treaty be ratified, it will secure in future the liberation of all Central America from any kind of foreign aggression.

At the time negotiations were opened with Nicaragua for the construction of a canal through her territory I found Great Britain in possession of nearly half of Central America, as the ally and protector of the Mosquito King. It has been my object in negotiating this treaty not only to secure the passage across the Isthmus to the Government and citizens of the United States by the construction of a great highway dedicated to the use of all nations on equal terms, but to maintain the independence and sovereignty of all the Central American Republics. The Senate will judge how far these objects have been effected.

If there be any who would desire to seize and annex any portion of

THE DARIEN EXPEDITION

THE DARIEN EXPEDITION.

In 1849, an Irish adventurer published a book in which he claimed to have surveyed the Isthmus of Panama, often called at that period the Isthmus of Darien; and to have found that the construction of a canal across it would be an easy matter. According to his statements, only three or four miles of deep rock would have to be cut through to connect the waters of the Atlantic with those of the Pacific. Accordingly, a company was formed in England with capital of $75,000,000 in order to construct the canal, and an English engineer was dispatched to make the survey. His report was so roseate that in 1853, England, France, New Granada and the United States joined in an exploring expedition to discover the best route to be followed. The expedition soon discovered that the engineer's report which had beguiled it to the Isthmus was nothing short of ridiculous. For instance, the engineer had claimed that the highest summit to be traversed was 150 feet above sea level; but when he led the expedition to that point, it was found that the true figures were more than 1,000 feet above sea level.

(For the complete history of the Panama Canal, of which the Darien expedition plays so interesting a part, see the Encyclopedic Index article, Panama Canal.)

the territories of these weak sister republics to the American Union, or to extend our dominion over them, I do not concur in their policy; and I wish it to be understood in reference to that subject that I adopt the views entertained, so far as I know, by all my predecessors.

The principles by which I have been regulated in the negotiation of this treaty are in accordance with the sentiments well expressed by my immediate predecessor on the 10th of February, 1847, when he communicated to the Senate the treaty with New Granada for the protection of the railroad at Panama. It is in accordance with the whole spirit of the resolution of the Senate of the 3d of March, 1835, referred to by President Polk, and with the policy adopted by President Jackson immediately after the passage of that resolution, who dispatched an agent to Central America and New Granada "to open negotiations with those Governments for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as might undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as might be established to compensate the capitalists who should engage in such undertaking and complete the work."

I also communicate herewith a copy of the correspondence between the American Secretary of State and the British plenipotentiary at the time of concluding the treaty. Whatever honor may be due to the party first proposing such a treaty justly belongs to the United States. My predecessor, in his message of the 10th of February, 1847, referring to the treaty with New Granada for the protection of the Panama Railroad, observes that—

> Should the proposition thus tendered be rejected we may deprive the United States of the just influence which its acceptance might secure to them, and confer the glory and benefits of being the first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not be doubted, because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guaranty of great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

Should the Senate in its wisdom see fit to confirm this treaty, and the treaty heretofore submitted by me for their advice in regard to its ratification, negotiated with the State of Nicaragua on the 3d day of September last, it will be necessary to amend one or both of them, so that both treaties may stand in conformity with each other in their spirit and intention. The Senate will discover by examining them both that this is a task of no great difficulty.

I have good reason to believe that France and Russia stand ready to accede to this treaty, and that no other great maritime state will refuse its accession to an arrangement so well calculated to diffuse the blessings of peace, commerce, and civilization, and so honorable to all nations which may enter into the engagement.

Z. TAYLOR.

WASHINGTON, *May 6, 1850.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a consular convention between the United States and the Republic of New Granada, signed in this city on the 4th of this month by the Secretary of State on the part of the United States, and by Señor Don Rafael Rivas, chargé d'affaires of New Granada, on the part of that Republic.

Z. TAYLOR.

WASHINGTON, *May 7, 1850.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives copies of a correspondence between the Department of State and the British legation in this city, relative to the reciprocal admission of the natural products of the United States and Canada free of duty into the territories of both countries. It will be seen by the accompanying documents that the late Secretary of the Treasury recommended, in his correspondence with the Committee on Commerce in the House of Representatives, reciprocal free trade in the natural products of the United States and Canada; that in March and June, 1849, a correspondence was opened between the British chargé d'affaires then residing in Washington and the Secretary of State upon the subject of a commercial convention or treaty to carry out the views of Her Majesty's Government in relation thereto, and that the proposition for such a convention or treaty was declined on the part of the American Government for reasons which are fully set forth in the note of the Secretary of State to Mr. Crampton of the 26th of June last. During the negotiations connected with this correspondence, not considering the markets of Canada as an equivalent for those of the United States, I directed the Secretary of State to inquire what other benefits of trade and commerce would be yielded by the British authorities in connection with such a measure, and particularly whether the free navigation of the St. Lawrence would be conceded to us. That subject has accordingly been presented to the British Government, and the result was communicated by Her Majesty's minister in Washington on the 27th of March last in reply to a note from the Secretary of State of the 26th of that month. From these papers it will be perceived that the navigation of the St. Lawrence and of the canals connecting it with the Western lakes will be opened

to the citizens of the United States in the event that the bill referred to in the correspondence, providing for the admission of their natural products, should become a law. The whole subject is now submitted to the consideration of Congress, and especially whether the concession proposed by Great Britain is an equivalent for the reciprocity desired by her.

Z. TAYLOR.

WASHINGTON, *May 8, 1850.*

To the Senate of the United States:

With reference to the convention between the United States and Her Britannic Majesty relative to interoceanic communication by the way of Nicaragua, recently submitted to the Senate, I transmit a copy of a note, under date the 29th ultimo, addressed to the Secretary of State by Sir Henry L. Bulwer, Her Britannic Majesty's minister here, and of Mr. Clayton's reply, under date the 30th ultimo. Intelligence received from the chargé d'affaires of the United States in Central America and from other quarters having led to an apprehension that Mr. Chatfield, Her Britannic Majesty's minister in that country, had concluded a treaty with the Government of Costa Rica placing that State under the protection of the British Government, I deemed it my duty to cause inquiries upon the subject to be addressed to Her Majesty's Government through Sir Henry L. Bulwer. The note of that functionary communicates the answer to those inquiries, and may be deemed satisfactory, both from the denial of the fact that any such treaty has been concluded and from its positive disavowal on behalf of the British Government of the policy intended to be subserved by such treaties.

Z. TAYLOR.

WASHINGTON, *May 18, 1850.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report of the Secretary of State, with accompanying papers,* in answer to its resolution of the 28th of March last.

Z. TAYLOR.

WASHINGTON, *May 20, 1850.*

To the Senate of the United States:

I transmit herewith reports from the Secretary of the Interior and Secretary of War, in reply to the resolution of the Senate of the 30th ultimo, calling for information in relation to the hostilities and outrages committed during the past year by the Seminole Indians in Florida, the steps taken for their removal west of the Mississippi, the area now occupied by them, etc.

Z. TAYLOR.

*Communications from the United States consul at Vienna.

WASHINGTON, *May 22, 1850.*

To the Senate of the United States:

I herewith transmit to the Senate reports of the several heads of Departments, to whom were referred the resolutions of the Senate of the 9th instant, "requesting the President of the United States to furnish to the Senate copies of all correspondence between any of the Executive Departments and General Persifor F. Smith and Brigadier-General B. Riley, or either of them, relative to affairs in California, which had not been communicated to the Senate; and also all information existing in any of the Executive Departments respecting the transactions of the convention in California by which the project of a State government was prepared, and particularly a copy of the journals of said convention and of such of the ordinances adopted by it as may in any way have been communicated to any of the said Departments; and likewise to inform the Senate if the surrender of General Riley to the jurisdiction and civil authority of the government made by the aforesaid convention was by order of the Executive of the United States, and, if not, whether the proclamation of General Riley recognizing the said State government and submitting to its jurisdiction has received the sanction of the Executive; and also that he furnish to the Senate whatever intelligence may have been received in the executive department respecting the condition of civil affairs in the Oregon Territory."

The reports, with the official correspondence accompanying them, it is believed, embrace all the information in the Departments called for by the resolutions.

Z. TAYLOR.

WASHINGTON, *May 24, 1850.*

To the Senate of the United States:

In the month of January last I nominated Thomas Sewall to be consul of the United States for the port of Santiago de Cuba, to which office he had been appointed by me during the recess of the Senate. The Spanish Government having refused to recognize Mr. Sewall as consul for that port, I now withdraw that nomination and nominate William N. Adams to fill the vacancy thus occasioned.

Z. TAYLOR.

WASHINGTON, *May 29, 1850.*

To the Senate of the United States:

I transmit to the Senate a copy of a dispatch from the minister of the United States at London, together with the memorial and other documents addressed to the Senate and House of Representatives of the United States by Count de Bronno Bronski which accompanied it, relative to an improved breed of silkworms which he desires to have introduced into this country.

Z. TAYLOR.

WASHINGTON, *June 3, 1850.*

To the Senate of the United States:

I transmit to the Senate herewith reports from the several heads of Departments, which contain all the information in possession of the Executive relative to the subject of the resolution of the 23d instant [ultimo].

No information has been received establishing the existence of any revolutionary movement in the island of Cuba among the inhabitants of that island. The correspondence submitted discloses, however, the fact that repeated attempts have been made under the direction of foreigners enjoying the hospitality of this country to get up armed expeditions in the United States for the purpose of invading Cuba. It will be seen by that correspondence that this Government has been faithful in the discharge of its treaty obligations with Spain and in the execution of the acts of Congress which have for their object the maintenance in this regard of the peace and honor of this country.

Z. TAYLOR

WASHINGTON, *June 10, 1850.*

To the Senate of the United States:

I submit herewith, in reply to a resolution of the Senate of the 3d instant, calling for "copies of the instructions given and orders issued in relation to the assemblage of persons on Round Island, coast of Mississippi, during the summer of 1849, and of the correspondence between the President or heads of Departments and the governor of Mississippi and the officers, naval or military, of the United States in reference to the observation, investment, and dispersion of said assemblage upon said island," a report from the Secretary of the Navy and accompanying documents, which contain all the information on the subject not heretofore communicated to the Senate.

Z. TAYLOR.

WASHINGTON, *June 13, 1850.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a copy of a dispatch addressed by the minister of the United States at Paris to the Secretary of State, with a translation of the documents which accompanied it, relative to the memorial of Pierre Piron, a citizen of the French Republic, who, it will be perceived, presents a just claim to pecuniary remuneration from this Government on account of services rendered to citizens of the United States.

Z. TAYLOR.

WASHINGTON, *June 17, 1850.*

To the Senate of the United States:

I have received a copy of the resolution of the Senate of the 11th June instant, requesting me "to inform the Senate whether any orders have

been issued to any military officer or officers at Santa Fe to hold possession against the authority of Texas, or in any way to embarrass or prevent the exercise of her jurisdiction over that country, and to furnish the Senate with copies of any correspondence which may have taken place between the War Department and the military stationed at Santa Fe since the date of my last communication to the Senate on that subject."

In reply to that resolution I state that no such orders have been given.

I herewith present to the Senate copies of all the correspondence referred to in the resolution. All the other orders relating to the subject-matter of the resolution have been heretofore communicated to the Senate.

I have already, in a former message, referred to the fact that the boundary between Texas and New Mexico is disputed. I have now to state that information has been recently received that a certain Robert S. Neighbors, styling himself commissioner of the State of Texas, has proceeded to Santa Fe with a view of organizing counties in that district under the authority of Texas. While I have no power to decide the question of boundary, and no desire to interfere with it, as a question of title, I have to observe that the possession of the territory into which it appears that Mr. Neighbors has thus gone was actually acquired by the United States from Mexico, and has since been held by the United States, and, in my opinion, ought so to remain until the question of boundary shall have been determined by some competent authority. Meanwhile, I think there is no reason for seriously apprehending that Texas will practically interfere with the possession of the United States.

Z. TAYLOR.

WASHINGTON, *June 26, 1850.*

To the House of Representatives of the United States:

I herewith transmit a report of the Secretary of War, communicating the information, as far as it can be furnished, required by the resolution of the House of Representatives of the 17th instant, respecting the amount of money collected from customs in California from the conclusion of the war until the collector appointed under the act of March 3, 1849, entered upon his duties, the objects for which said money has been expended, and the authority under which the collections and disbursements were made.

Z. TAYLOR.

WASHINGTON, *June 27, 1850.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 3d instant, requesting information in regard to the indemnity stipulated to be paid by the Government of Peru to the Government of the United States pursuant to the modified convention of the 17th of March, 1841, I transmit

a report from the Secretary of State and the documents by which it was accompanied. The sums paid by that Government under the convention are mentioned in the letters of Messrs. E. McCall & Co., of Lima, who were appointed by my predecessor the agents to receive the installments as they might fall due.

Z. TAYLOR.

WASHINGTON, *July 1, 1850.*

To the House of Representatives of the United States:

In reply to the resolution of the House of Representatives of the 17th ultimo, in regard to the number of vessels, guns, and men constituting the African squadron, the annual expenses of that squadron, etc., I submit herewith a report from the Secretary of the Navy, with accompanying documents.

Z. TAYLOR.

WASHINGTON, *July 1, 1850.*

To the Senate of the United States:

I herewith transmit a report from the Secretary of War, prepared in answer to a resolution of the Senate of the 27th ultimo, requesting information of the proceedings of the Executive in regard to the appointment of the officer now commanding in New Mexico, the orders and instructions given to and correspondence with him, and upon other subjects mentioned in the resolution.

Z. TAYLOR.

WASHINGTON, *July 2, 1850.*

To the Senate of the United States:

In the month of March last I nominated William McNeir to be a justice of the peace in and for the county of Washington, in the District of Columbia, and on the 24th day of June the Senate advised and consented to the nomination. Since then I have learned from the late mayor of the city of Washington, upon whose recommendation the nomination was made, that the person whom he intended to recommend for that office was George McNeir, whom I now nominate to be a justice of the peace in and for the county of Washington, in the District of Columbia.

In the month of February last I nominated Benjamin Riddells as consul of the United States for Chihuahua, and on the 10th day of June last the Senate advised and consented to that nomination. I have since learned that the persons recommending the appointment of Mr. Riddells by the prænomen of Benjamin intended to recommend Bennet Riddells, whom I now nominate to be consul of the United States for Chihuahua in order to correct the mistake thus inadvertently made.

Z. TAYLOR.

PROCLAMATIONS.

ZACHARY TAYLOR, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

An exequatur having been granted to Señor Carlos de España, bearing date the 29th October, 1846, recognizing him as the consul of Her Catholic Majesty at the port of New Orleans and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most favored nations in the United States:

These are now to declare that I do no longer recognize the said Carlos de España as consul of Her Catholic Majesty in any part of the United States, nor permit him to exercise and enjoy any of the functions, powers, or privileges allowed to the consuls of Spain; and I do hereby wholly revoke and annul the said exequatur heretofore given, and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand this 4th day of January, A. D. 1850, and of the Independence of the United States the seventy-fourth.

Z. TAYLOR.

By the President:

JOHN M. CLAYTON, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 14th of August, 1848, entitled "An act to establish the Territorial government of Oregon," the President of the United States is authorized to establish such ports of delivery in the collection district created by that act, not exceeding two in number (one of which shall be located on Pugets Sound), as he may deem proper:

Now, therefore, I, Zachary Taylor, President of the United States of America, do hereby declare and proclaim the ports of Nesqually (on Pugets Sound) and Portland, in the collection district of Oregon, in the Territory of Oregon, to be constituted ports of delivery, with all the privileges authorized by law to such ports.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 10th day of January, A. D. 1850, and of the Independence of the United States the seventy-fourth.

Z. TAYLOR.

By the President:

J. M. CLAYTON, *Secretary of State.*

DEATH OF PRESIDENT TAYLOR.

ANNOUNCEMENT TO MR. FILLMORE.

[From official records in the State Department.]

DEPARTMENT OF STATE,
Washington, July 9, 1850.

MILLARD FILLMORE,
President of the United States.

SIR: The melancholy and most painful duty devolves on us to announce to you that Zachary Taylor, late President of the United States, is no more. He died at the President's mansion this evening at half-past 10 o'clock.

We have the honor to be, etc.,

JOHN M. CLAYTON,
Secretary of State.

GEO. W. CRAWFORD,
Secretary of War.

W. M. MEREDITH,
Secretary of the Treasury.

WM. BALLARD PRESTON,
Secretary of the Navy.

T. EWING,
Secretary of the Interior.

J. COLLAMER,
Postmaster-General.

[The announcement as published in the Daily National Intelligencer of July 11, 1850, contains also the signature of Reverdy Johnson, Attorney-General.]

REPLY OF MR. FILLMORE.

[From official records in the State Department.]

WASHINGTON, *July 9, 1850.*

To the Hons. JOHN M. CLAYTON, Secretary of State; W. M. MEREDITH, Secretary of the Treasury; T. EWING, Secretary of the Interior; GEO. W. CRAWFORD, Secretary of War; WM. BALLARD PRESTON, Secretary of the Navy; J. COLLAMER, Postmaster-General; REVERDY JOHNSON, Attorney-General.

GENTLEMEN: I have just received your note conveying the melancholy and painful intelligence of the decease of Zachary Taylor, late President of the United States. I have no language to express the emotions of my heart. The shock is so sudden and unexpected that I am overwhelmed with grief.

I shall avail myself of the earliest moment to communicate this sad intelligence to Congress, and shall appoint a time and place for taking the oath of office prescribed to the President of the United States. You are requested to be present and witness the ceremony.

I am, gentlemen, etc.,

MILLARD FILLMORE.

COMMUNICATION TO THE SENATE FROM MR. FILLMORE.

[From Senate Journal, Thirty-first Congress, first session, p. 443.]

WASHINGTON, *July 10, 1850.*

To the Senate of the United States:

In consequence of the lamented death of Zachary Taylor, late President of the United States, I shall no longer occupy the chair of the Senate, and I have thought that a formal communication to the Senate to that effect, through your Secretary, might enable you the more promptly to proceed to the choice of a presiding officer.

MILLARD FILLMORE.

ANNOUNCEMENT TO CONGRESS.

[From Senate Journal, Thirty-first Congress, first session, p. 443.]

WASHINGTON, *July 10, 1850.*

Fellow-Citizens of the Senate and House of Representatives:

I have to perform the melancholy duty of announcing to you that it has pleased Almighty God to remove from this life Zachary Taylor, late President of the United States. He deceased last evening at the hour of half-past 10 o'clock, in the midst of his family and surrounded by affectionate friends, calmly and in the full possession of all his faculties. Among his last words were these, which he uttered with emphatic distinctness:

> I have always done my duty. I am ready to die. My only regret is for the friends I leave behind me.

Having announced to you, fellow-citizens, this most afflicting bereavement, and assuring you that it has penetrated no heart with deeper grief than mine, it remains for me to say that I propose this day at 12 o'clock, in the Hall of the House of Representatives, in the presence of both Houses of Congress, to take the oath prescribed by the Constitution, to enable me to enter on the execution of the office which this event has devolved on me.

MILLARD FILLMORE.

ANNOUNCEMENT TO REPRESENTATIVES OF THE UNITED STATES ABROAD.

[From official records in the State Department.]

CIRCULAR.

DEPARTMENT OF STATE, *Washington, July 10, 1850.*

SIR: It has become my most painful duty to announce to you the decease of Zachary Taylor, late President of the United States.

This afflicting event took place on the 9th instant at the Executive Mansion in this city, at thirty minutes after 10 o'clock in the evening.

I am, sir, respectfully, your obedient servant,

JOHN M. CLAYTON.

ANNOUNCEMENT TO REPRESENTATIVES OF FOREIGN GOVERNMENTS IN THE UNITED STATES.

[From official records in the State Department.]

CIRCULAR.

DEPARTMENT OF STATE, *Washington, July 10, 1850.*

SIR: It is my great misfortune to be obliged to inform you of an event not less afflicting to the people of the United States than distressing to my own feelings and the feelings of all those connected with the Government.

The President, Zachary Taylor, departed this life yesterday at half-past 10 o'clock in the evening.

You are respectfully invited to attend the funeral ceremonies, which will take place on Saturday next, and with the particular arrangements for which you will be made acquainted in due time.

Not doubting your sympathy and condolence with the Government and people of the country on this bereavement, I have the honor to be, sir, with high consideration, your obedient servant,

JOHN M. CLAYTON.

ANNOUNCEMENT TO THE ARMY.

[From official records in the War Department.]

GENERAL ORDERS, NO. 21.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 11, 1850.

I. The following order of the President of the United States announces to the Army the lamented death of the illustrious General Zachary Taylor, late President of the United States:

WAR DEPARTMENT, *July 11, 1850.*

The President of the United States with profound sorrow announces to the Army, the Navy, and Marine Corps the death of Zachary Taylor, late President of the United States. He died at the Executive Mansion on the night of the 9th instant at half-past 10 o'clock.

His last public appearance was in participating in the ceremonies of our national anniversary at the base of the monument now rearing to the memory of Washington. His last official act was to affix his signature

to the convention recently concluded between the United States and Great Britain.

The vigor of a constitution strong by nature and confirmed by active and temperate habits had in later years become impaired by the arduous toils and exposures of his military life.

Solely engrossed in maintaining the honor and advancing the glory of his country, in a career of forty years in the Army of the United States he rendered himself signal and illustrious. An unbroken current of success and victory, terminated by an achievement unsurpassed in our annals, left nothing to be accomplished for his military fame.

His conduct and courage gave him this career of unexampled fortune, and with the crowning virtues of moderation and humanity under all circumstances, and especially in the moment of victory, revealed to his countrymen those great and good qualities which induced them unsolicited to call him from his high military command to the highest civil office of honor and trust in the Republic; not that he desired to be first, but that he was felt to be worthiest.

The simplicity of his character, the singleness of his purpose, the elevation and patriotism of his principles, his moral courage, his justice, magnanimity and benevolence, his wisdom, moderation, and power of command, while they have endeared him to the heart of the nation, add to the deep sense of the national calamity in the loss of a Chief Magistrate whom death itself could not appall in the consciousness of "having always done his duty."

The officers of the Army, of the Navy, and Marine Corps will, as a manifestation of their respect for the exalted character and eminent public services of the illustrious dead, and of their sense of the calamity the country has sustained by this afflicting dispensation of Providence, wear crape on the left arm and upon the hilt of the sword for six months.

It is further directed that funeral honors be paid at each of the military posts according to general regulations, and at navy-yards and on board all public vessels in commission, by firing thirty minute guns, commencing at meridian, on the day after the receipt of this order, and by wearing their flags at half-mast.

By order of the President:

GEORGE W. CRAWFORD,
Secretary of War.

II. The day after the receipt of this general order at each military post the troops will be paraded at 10 o'clock a. m. and the order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty guns.

The officers of the Army will wear the badge of mourning on the left

arm and on their swords and the colors of the several regiments will be put in mourning for the period of six months.

By order:

R. JONES,
Adjutant-General.

[The Secretary of the Navy made the same announcement to the Navy as that portion of the above signed by the Secretary of War.]

ORDER OF THE PRESIDENT.

[From the Daily National Intelligencer, July 12, 1850.]

WASHINGTON, *July 10, 1850.*

In consequence of the death of the President of the United States, I direct that the several Executive Departments be closed until after the funeral of the illustrious deceased, and that they, as well as the Executive Mansion, be placed in mourning, and that the several officers of the Government wear the usual badge of mourning for the term of six months.

MILLARD FILLMORE.

ACTION OF CONGRESS.

[From Senate Journal, Thirty-first Congress, first session, p. 445.]

RESOLUTION OF THE SENATE.

Whereas it has pleased Divine Providence to remove from this life Zachary Taylor, late President of the United States, the Senate, sharing in the general sorrow which this melancholy event must produce, is desirous of manifesting its sensibility on this occasion: Therefore

Resolved, That a committee consisting of Messrs. Webster, Cass, and King be appointed on the part of the Senate to meet such committee as may be appointed on the part of the House of Representatives to consider and report what measures it may be deemed proper to adopt to show the respect and affection of Congress for the memory of the illustrious deceased and to make the necessary arrangements for his funeral.

[From House Journal, Thirty-first Congress, first session, p. 1121.]

RESOLUTION OF THE HOUSE OF REPRESENTATIVES.

Whereas it has pleased Divine Providence to remove from this life Zachary Taylor, late President of the United States, the House of Representatives, sharing in the general sorrow which this melancholy event must produce, is desirous of manifesting its sensibility on the occasion: Therefore

Resolved, That a committee consisting of thirteen members be appointed on the part of this House to meet such committee as may be appointed on the part of the Senate to consider and report what measures it may be deemed proper to adopt in order to show the respect and affection of Congress for

the memory of the illustrious deceased and to make the necessary arrangements for his funeral.

[The committee consisted of Messrs. Conrad, of Louisiana; McDowell, of Virginia; Winthrop, of Massachusetts; Bissell, of Illinois; Duer, of New York; Orr, of South Carolina; Breck, of Kentucky; Strong, of Pennsylvania; Vinton, of Ohio; Cabell, of Florida; Kerr, of Maryland; Stanly, of North Carolina; Littlefield, of Maine.]

OFFICIAL ARRANGEMENTS FOR THE FUNERAL.

[From the Daily National Intelligencer, July 13, 1850.]

WASHINGTON, *July 11, 1850.*

The Committee of Arrangements of the two Houses of Congress, having consulted with the family of the deceased, have concluded that the funeral of the late President be solemnized on Saturday, the 13th of July, at 12 o'clock; the religious services to be performed by the Rev. Dr. Pyne at the Executive Mansion, according to the usage of the Episcopal Church, in which church the deceased most usually worshiped; the body to be afterwards taken from the President's house to the Congress Burying Ground, accompanied by a military escort and civic procession, and deposited in the receiving tomb.

The military arrangements to be under the direction of Major-General Scott, the General Commanding in Chief of the Army of the United States, and Major-General Walter Jones, of the militia of the District of Columbia.

Commodore Warrington, the senior naval officer now in the city, to have the direction of the naval arrangements.

The marshal of the District of Columbia to have the direction of the civic procession.

All the members of the diplomatic corps, all officers of Government, the clergy of the District and elsewhere, all associations and fraternities, and citizens generally are invited to attend.

And it is respectfully recommended to the officers of the Government that they wear the usual badge of mourning.

ORDER OF THE PROCESSION.

FUNERAL ESCORT.

(In column of march.)

Composed of such corps of the Army and the militia as may be ordered or as may report themselves for duty on the occasion.

CIVIC PROCESSION.

The United States marshal of the District of Columbia and his aids.
The mayors of Washington and Georgetown.
The Committee of Arrangements of the two Houses of Congress.
The chaplains of the two Houses of Congress and the officiating clergyman of the occasion.
Attending physicians to the late President.

Pallbearers.—Hon. Henry Clay, Hon. T. H. Benton, Hon. Lewis Cass, Hon. Daniel Webster, Hon. J. M. Berrien, Hon. Truman Smith, Hon. R. C. Winthrop, Hon. Linn Boyd, Hon. James McDowell, Hon. S. F. Vinton, Hon. Hugh White, Hon. Isaac E. Holmes, G. W. P. Custis, esq., Hon. R. J. Walker, Chief Justice Cranch, Joseph Gales, esq., Major-General Jesup, Major-General Gibson, Commodore Ballard, Brigadier-General Henderson.

The horse used by General Taylor in the late war.

Family and relatives of the late President.

The President of the United States and the heads of Departments.

The Sergeant-at-Arms of the Senate.

The Senate of the United States, preceded by the President *pro tempore* and Secretary.

The Sergeant-at-Arms of the House of Representatives.

The House of Repr sentatives, preceded by their Speaker and Clerk.

The Chief Justice and associate justices of the Supreme Court of the United States and its officers.

The diplomatic corps.

Governors of States and Territories.

Ex-members of Congress.

Members of State legislatures.

District judges of the United States.

Judges of the circuit and criminal courts of the District of Columbia, with the members of the bar and officers of the courts.

The judges of the several States.

The Comptroller of the Treasury, Auditors. Treasurer, Register, Solicitor, and Commissioners of Land Office, Pensions, Indian Affairs, Patents, and Public Buildings.

The clerks, etc., of the several Departments, preceded by their respective chief clerks, and all other civil officers of the Government.

Clergy of the District of Columbia and elsewhere.

Officers and soldiers of the Revolution.

Corporate authorities of Washington.

Corporate authorities of Georgetown.

Officers and soldiers who served in the War of 1812 and in the late war.

Presidents, professors, and students of the colleges of the District of Columbia.

Such societies and fraternities as may wish to join the procession, to report to the marshal of the District, who will assign them their respective positions.

Citizens and strangers.

The procession will move from the President's house at 1 o'clock precisely, or on the conclusion of the religious services.

DANIEL WEBSTER,
Chairman of the Committee on the part of the Senate.

CHAS. M. CONRAD,
Chairman of the Committee on the part of the House of Representatives.

[From official records in the War Department.]

GENERAL ORDERS, No. 22.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 11, 1850.

The joint committees of the Congress of the United States having designated the General in Chief, Major-General Scott, to take charge

of the military arrangements for the funeral ceremonies of the late President of the United States, the Secretary of War directs that the Commanding General of the Army give the necessary orders and instructions accordingly. The military arrangements will conform to the directions found in the reports of the special committees of the Senate and House of Representatives.

By order of the Secretary of War:

R. JONES, *Adjutant-General.*

GENERAL ORDERS.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 12, 1850.

The Major-General Commanding the Army of the United States, having been charged by the joint committees of Congress with the military preparations for the funeral honors to be paid to the illustrious statesman, soldier, and citizen, Zachary Taylor, late President of the United States, directs the following order of arrangement:

ORDER OF THE MILITARY PROCESSION.

FUNERAL ESCORT.

(In column of march.)

Infantry.—Maryland volunteers; volunteer troops from other States; battalion of volunteers from the District of Columbia.

Firing party (to be commanded by an officer of the Army).—Two companies of volunteers from Washington; two companies of volunteers from Baltimore; battalion of United States marines; battalion of United States artillery, as infantry; troop of United States light artillery.

Dismounted officers of volunteers, Marine Corps, Navy, and Army, in the order named.

Mounted officers of volunteers, Marine Corps, Navy, and Army, in the order named.

Major-General Walter Jones, commanding the militia; aids-de-camp.

Major-General Winfield Scott, commanding the Army; aids-de-camp.

The troops will be formed in line in the Avenue, north of the President's mansion, precisely at 11 o'clock a. m., Saturday, the 13th instant, with the right (Brevet Major Sedgwick's troop of light artillery) resting opposite the War Department.

The procession will move at 1 o'clock p. m., when minute guns will be fired by detachments of artillery stationed near St. John's church, the City Hall, and the Capitol, respectively.

On arriving on the north front of the Congressional Burial Ground the escort will be formed in two lines, the first consisting of the firing party, facing the cemetery and 30 paces from it; the second composed of the rest of the infantry, 20 paces in rear; the battery of artillery to take position on the rising ground 100 paces in rear of the second line.

At sunrise to-morrow (the 13th instant) a Federal salute will be fired

from the military stations in the vicinity of Washington, minute guns between the hours of 1 and 3, and a national salute at the setting of the sun

The usual badge of mourning will be worn on the left arm and on the hilt of the sword.

The Adjutant-General of the Army is charged with the details of the military arrangements of the day, aided by the Assistant Adjutants-General on duty at Washington, by Brevet Lieutenant-Colonel Swords, of the staff, and Lieutenant W. T. Sherman, Third Artillery.

The United States marshal of the District of Columbia having been charged with the direction of the civic procession, the military will cooperate in the general order of arrangements.

By command of Major-General Scott:

R. JONES,
Adjutant-General.

[From the Daily National Intelligencer, July 12, 1850.]

GENERAL ORDER.

The major-general, zealous to execute the honorable commission in which the joint committees of Congress have associated him with the General in Chief of the Army, deems it proper and conducive to the end in view to make the best preparation in his power for carrying into effect the field arrangements of the military movements in the procession of the funeral of the late President, arrangements which must necessarily await the arrival of the General in Chief. For that purpose he thinks it expedient to appoint a general rendezvous where all the corps and companies of militia, including all who may march from any of the States with those of this District, may assemble at an early hour in the morning of Saturday, the 13th instant, and there receive final orders for being formed and posted. They are therefore requested to take notice that such rendezvous is in front of the City Hall. The corps and companies from the States are requested to repair to this general rendezvous immediately on arrival; those of the District not later than 9 o'clock a. m. The commandants of corps and companies are expected to report, immediately on arriving at the rendezvous, to the major-general or such staff officer as may be detailed for the purpose, the strength of their respective commands.

All officers not on duty in their respective corps or companies are requested to appear in full uniform and mounted. The post intended for them is in the personal suite of the General in Chief. The major-general knows of no more honorable or more interesting post that he could assign them in time of peace than that of following the lead of the renowned Scott in the procession of the funeral of the renowned Taylor.

WALTER JONES,
Major-General Militia District of Columbia.

RESOLUTION OF CONDOLENCE BY CONGRESS.

[From original in the State Department.]

A RESOLUTION expressing the condolence of Congress for Mrs. Margaret S. Taylor.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to transmit a copy of the proceedings of the two Houses on the 10th instant in relation to the death of the late President of the United States to Mrs. Margaret S. Taylor, and to assure her of the profound respect of the two Houses of Congress for her person and character and of their sincere condolence on the late afflicting dispensation of Providence.

QUESTIONS.

1. Has the President authority to dictate measures to Congress? Page 2561

2. What were the provisions of the Clayton-Bulwer Treaty? Page 2580.

3. Why was our Minister accredited to the German Empire in 1848 recalled? Page 2549.

4. What was the apparent intention of the British Government in lending aid to the Mosquito King in Central America? Page 2572.

5. What European nation intervened to prevent the separation of Austria and Hungary in 1848? Page 2550.

6. What were Taylor's views on neutrality? Page 2548.

7. What was Taylor's view of the veto power? Page 2561.

SUGGESTIONS.

President Taylor's untimely death brought his service as President to a close one year, four months and one day after his inauguration.

His Inaugural Address showed him to be a statesman, as well as a soldier. It is well worth reading. Pages 2542 to 2544.

One of the most important steps toward the building of the Panama Canal was taken under Taylor's administration by the negotiations of the Clayton-Bulwer Treaty, q. v., Encyclopedic Index; also page 2580.

Read Taylor's Foreign Policy. Pages 2540, 2555.

NOTE.

For further suggestions on Taylor's administration, see Taylor, Zachary, Encyclopedic Index.

By reading the Foreign Policy of each President, and by scanning the messages as to the state of the nation, a thorough knowledge of the history of the United States will be acquired from the most authentic sources; because, as has been said, "Each President reviews the past, depicts the present and forecasts the future of the nation."

Millard Fillmore

July 10, 1850, to March 4, 1853

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

Millard Fillmore

ABIGAIL FILLMORE

Abigail Powers was born in Saratoga County, New York, and was reared in poverty. In order to help her widowed mother, she taught from very early youth, although still a student herself. Fine health, good height, fair coloring, delicate features, kindly eyes and an expression of humor, made her attractive, if not classically beautiful. At twenty-eight she married Millard Fillmore. In his early professional struggles her varied talents were devoted to his interests. When he became President she graced her position with ease; if possible, never neglecting any functions, but owing to feeble health late in life often giving place to her daughter, Mary Abigail, who, though young, was a charming and dignified hostess. Mrs. Fillmore established the White House Library, no books having been there on her advent. Three weeks after her husband's term expired she passed away quite suddenly, leaving the memory of a devoted wife and mother.

FILLMORE

The Republic has not had a President who was a more typical American than Millard Fillmore. His parents were Nathaniel F. Fillmore and Phoebe Millard, who were married in their native Vermont and moved into the wilds of Cayuga county, New York, in 1799. Millard was born at the town of Summer Hill, January 7, 1800, and was the eldest of nine children. That section of New York was a wilderness, the nearest house to the Fillmores' being four miles away. The lands acquired by the family had a defective title and a few years later they were driven from their home. Millard, from his early boyhood, showed a deep love of learning, and was always found reading or studying when other boys of his age were at play. But owing to the meagre resources of his father, Millard became an apprentice to a carder and cloth finisher in Sparta, when he was 15 years old, in order to aid in the support of the household. All his leisure was spent in study. Books were scarce in those days, and school advantages out of reach. But the poor lad had a spirit within him which soared above all obstacles. Having mastered his trade and attained to the position of a master workman, he decided to study law. His employer tried to dissuade him from a course which the latter regarded as foolish, but Fillmore carried out his intention and in time became one of the most noted lawyers of the State. As a boy he was above reproach, and he became a model man, a lover of peace and concord, the soul of honor, and the speaker of truth.

The Fillmore family moved to Buffalo in 1820, and Millard was admitted to practice at the bar in 1823, though he had not performed the regular term of study. He went to Aurora to begin his law practice, and was put to many shifts to earn a livelihood until his shingle should draw clients to his door. He taught school and did any work that presented. But such persistence and ability were sure to win, and in three years he was able to marry Abigail, the daughter of the Rev. Lemuel Powers, of Erie county.

In 1829 he was elected to the legislature. Fearlessly opposing the Democratic majority in that body, he ran counter to their most cherished schemes and made a record for sterling worth and high principle. He became known as the "Young member from Erie," but he sought rather to conciliate than to stir up strife. He thought more of right action than of party expediency. When his term was ended he went back to his law practice. He had learned "the ropes" at Albany, but his constituents believed him capable of doing much more. He was, consequently, re-elected, and was placed on the "Committee of Public Defense."

This was supposed to be a sinecure in time of peace, but Fillmore took another view of it. He thought the people wanted defending from some of the laws, and he set to work to have the imprisonment of debtors made illegal. This law had filled the jails of the State with men who had committed no other offense than that of being unable to pay their debts. Thurlow Weed and Francis Granger supported Fillmore in his movement for its repeal, and despite the fiercest opposition the barbarous provision of imprisonment for debt was wiped from the statute books.

Fillmore brought into his political career an unfaltering trust in truth and goodness. His mind was too simple, and his honesty too rugged to permit him to profit by any of the chicanery of politics which was as prevalent in his day as it is now.

In 1832 he was sent to Congress by the same constituents whom he had served so well in the legislature. There he frankly avowed his opposition to slavery, favored the right of petition for the abolition of the slave trade, and advocated the doing away with slavery in the District of Columbia. In the twenty-seventh Congress he was chairman of the Committee on Ways and Means, and was the first man to propose a banking system, based on the bonds of the Government. He was unalterably opposed to the United States Bank, and believed that its charter should be repealed.

With these principles well known to the people of the country, he became Vice-President with General Taylor, and at the death of the latter, entered on his duties as President of the United States.

Like other Presidents who succeeded him, he upheld the Fugitive Slave Law though himself opposed to slavery. He felt it his duty to accept the construction put upon the Constitution by the Supreme Court, and saw no immediate prospect of that instrument being modified to meet his views. The public interests were subserved by his Administration, and at its end there was a feeling of harmony among the people. The country was never more happy or prosperous. Not a note of discord broke the tranquillity of Fillmore's term of office, and when he retired definitely from public life he was twice brought forward by his friends for re-election to the Presidency.

John Quincy Adams has left on record as his opinion that Fillmore was "one of the ablest, most faithful and fairest-minded men with whom he had ever served in public life."

W. F. Aldrich

Millard Fillmore

MILLARD FILLMORE was born February 7, 1800, in the township of Locke (now Summerhill), Cayuga County, N. Y. He was the second son of Nathaniel Fillmore and Phœbe Millard. His ancestors served with distinction in the French and Revolutionary wars. He attended the primitive schools in the neighborhood three months in the year, devoting the other nine to working on his father's farm. His father, having formed a distaste for farming, was desirous that his sons should follow other occupations. Accordingly, Millard, after serving an apprenticeship for a few months, began in 1815 the business of carding and dressing cloth. Was afterwards a school-teacher. In 1819 decided to become a lawyer, and in 1823, although he had not completed the usual course required, was admitted as an attorney by the court of common pleas of Erie County. February 5, 1826, was married to Miss Abigail Powers, daughter of a clergyman. In 1827 was admitted as an attorney and two years later as counselor before the supreme court. In 1830 removed to Buffalo and became a successful lawyer. His political career began and ended with the birth and extinction of the Whig party. Was elected to the legislature of his State in 1828, and served three terms; while there he was distinguished by his advocacy of the act to abolish imprisonment for debt, which passed in 1831. In 1832 was elected to Congress, and after serving one term retired till 1836, when he was reelected, and again returned in 1838 and 1840, declining a renomination in 1842. Was the author of the tariff of 1842. He retired from Congress in 1843. Was an unsuccessful candidate for Vice-President before the Whig convention at Baltimore in 1844. Was nominated by acclamation for governor of New York in the following September, but was defeated by Silas Wright. In 1847 was elected comptroller of the State. In 1848 was nominated by the Whigs for Vice-President on the ticket with General Taylor and was elected in the following November. He presided as Vice-President with strict impartiality during exciting debates in the Senate. By the death of President Taylor became President July 10, 1850. Was a candidate for President at the Whig convention in 1852, but General Scott received the nomination. Three weeks after the close of his Administration his wife died. Afterwards married Caroline C. McIntosh, who survived him. In 1856, while in Rome, he was nominated for the Presidency by the

American (Whig) party, but was defeated by Mr. Buchanan. After his retirement from office he resided in Buffalo the remainder of his life. He established the Buffalo Historical Society. Was called upon to welcome distinguished visitors to his city, and frequently presided over conventions and other public meetings, but held no office after retiring from the Presidency. He again visited Europe in 1866. Died at Buffalo, N. Y., March 8, 1874, and was buried in that city in Forest Lawn Cemetery.

SPECIAL MESSAGES.

WASHINGTON, *July 10, 1850.*

Fellow-Citizens of the Senate and House of Representatives:

A great man has fallen among us, and a whole country is called to an occasion of unexpected, deep, and general mourning.

I recommend to the two Houses of Congress to adopt such measures as in their discretion may seem proper to perform with due solemnities the funeral obsequies of Zachary Taylor, late President of the United States, and thereby to signify the great and affectionate regard of the American people for the memory of one whose life has been devoted to the public service, whose career in arms has not been surpassed in usefulness or brilliancy, who has been so recently raised by the unsolicited voice of the people to the highest civil authority in the Government, which he administered with so much honor and advantage to his country, and by whose sudden death so many hopes of future usefulness have been blighted forever.

To you, Senators and Representatives of a nation in tears, I can say nothing which can alleviate the sorrow with which you are oppressed. I appeal to you to aid me, under the trying circumstances which surround me, in the discharge of the duties from which, however much I may be oppressed by them, I dare not shrink; and I rely upon Him who holds in His hands the destinies of nations to endow me with the requisite strength for the task and to avert from our country the evils apprehended from the heavy calamity which has befallen us.

I shall most readily concur in whatever measures the wisdom of the two Houses may suggest as befitting this deeply melancholy occasion.

MILLARD FILLMORE.

WASHINGTON, *July 15, 1850.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and the Republic of Peru, signed in this city on the 13th instant by the plenipotentiaries of the parties.

A report from the Secretary of State relative to the treaty, and the documents therein referred to, are also herewith transmitted.

MILLARD FILLMORE.

WASHINGTON, *July 17, 1850.*

To the Senate of the United States:

In further answer to a resolution of the Senate of the 27th ultimo, in reference to a proclamation issued by the military officer commanding in New Mexico and other matters, I herewith transmit a report from the Secretary of War, communicating information not received at the Department until after the date of his report of the 1st instant on this subject.

MILLARD FILLMORE.

WASHINGTON, *July 17, 1850.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 1st instant, requesting the President to furnish the Senate with "the report and map of Lieutenant J. D. Webster, Corps of Topographical Engineers, of a survey of the Gulf coast at the mouth of the Rio Grande and its vicinity," and in compliance therewith, I transmit herewith a report from the Secretary of War, accompanied by the report and map above referred to.

MILLARD FILLMORE.

WASHINGTON, *July 18, 1850.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives, in compliance with the request contained in their resolution of the 24th day of January last, the information asked for by that resolution, relating to certain proceedings of the British Government in the forcible seizure and occupation of the island of Tigre; also all the "facts, circumstances, and communications within the knowledge of the Executive relative to any seizure or occupation, or attempted seizure or occupation, by the British Government of any port, river, town, territory, or island belonging to or claimed by any of the States of Central America."

The resolution of the House speaks of the island of Tigre, in the State of Nicaragua. I am not aware of the existence of any such island in that State, and presume that the resolution refers to the island of the same name in the Gulf of Fonseca, in the State of Honduras.

The concluding part of the resolution, requesting the President to communicate to the House all treaties not heretofore published which may have been negotiated with any of the States of Central America "by any person acting by authority of the late Administration or under the

auspices of the present Administration," so far as it has reference to treaties negotiated with any of those States by instructions from this Government, can not be complied with, inasmuch as those treaties have not been acted upon by the Senate of the United States, and are now in the possession of that body, to whom by the Constitution they are directed to be transmitted for advice in regard to their ratification.

But as its communication is not liable to the same objection, I transmit for the information of the House a copy of a treaty in regard to a ship canal across the Isthmus, negotiated by Elijah Hise, our late chargé d'affaires in Guatemala, with the Government of Nicaragua on the 21st day of June, 1849, accompanied by copies of his instructions from and correspondence with the Department of State.

I shall cheerfully comply with the request of the House of Representatives to lay before them the treaties negotiated with the States of Central America, now before the Senate, whenever it shall be compatible with the public interest to make the communication. For the present I communicate herewith a copy of the treaty with Great Britain and of the correspondence between the American Secretary of State and the British plenipotentiary at the time it was concluded. The ratifications of it were exchanged at Washington on the 4th day of July instant.

I also transmit the report of the Secretary of State, to whom the resolution of the House was referred, and who conducted the negotiations relative to Central America, under the direction of my lamented predecessor.

MILLARD FILLMORE.

WASHINGTON, *July 20, 1850.*

To the Senate of the United States:

I herewith transmit to the Senate, with a view to its ratification, a convention between the United States and the Mexican Republic for the extradition of fugitives from justice. This convention was negotiated under the directions of my predecessor, and was signed this day by John M. Clayton, Secretary of State, on the part of the United States, and by Señor Don Luis de la Rosa, envoy extraordinary and minister plenipotentiary of Mexico, on the part of that Republic. The length of the boundary line between the two countries, extending, as it does, from the Pacific to the Gulf, renders such a convention indispensable to the maintenance of good order and the amicable relations now so happily subsisting between the sister Republics.

MILLARD FILLMORE.

WASHINGTON, *July 23, 1850.*

To the Senate of the United States:

I lay before the Senate, for their consideration and advice as to its ratification, a treaty concluded in the city of Washington on the 1st day of

April, 1850, by and between Ardavan S. Loughery, commissioner on the part of the United States, and delegates of the Wyandott tribe of Indians.

I also lay before the Senate a letter from the Secretary of the Interior and the papers therein referred to.

MILLARD FILLMORE.

WASHINGTON, *July 30, 1850.*

To the Senate of the United States:

I herewith transmit to the Senate, in answer to its resolution of the 5th instant, requesting the President to communicate to that body "any information, if any has been received by the Government, showing that an American vessel has been recently stopped upon the high seas and searched by a British ship of war," the accompanying copies of papers. The Government has no knowledge of any alleged stopping or searching on the high seas of American vessels by British ships of war except in the cases therein mentioned. The circumstances of these cases will appear by the inclosed correspondence, taken from the files of the Navy Department. No remonstrance or complaint by the owners of these vessels has been presented to the Government of the United States.

MILLARD FILLMORE.

WASHINGTON, *August 2, 1850.*

To the Senate of the United States:

I have the honor to transmit herewith a report of the Secretary of War, in answer to a resolution of the Senate passed on the 8th of July last, calling for information in relation to the removal of Fort Polk, etc. The documents accompanying the report contain all the information required by the resolution.

MILLARD FILLMORE.

WASHINGTON, *August 6, 1850.*

To the Senate and House of Representatives:

I herewith transmit to the two Houses of Congress a letter from his excellency the governor of Texas, dated on the 14th day of June last, addressed to the late President of the United States, which, not having been answered by him, came to my hands on his death; and I also transmit a copy of the answer which I have felt it to be my duty to cause to be made to that communication.

Congress will perceive that the governor of Texas officially states that by authority of the legislature of that State he dispatched a special commissioner with full power and instructions to extend the civil jurisdiction of the State over the unorganized counties of El Paso, Worth, Presidio, and Santa Fe, situated on its northwestern limits.

He proceeds to say that the commissioner had reported to him in an

official form that the military officers employed in the service of the United States stationed at Santa Fe interposed adversely with the inhabitants to the fulfillment of his object in favor of the establishment of a separate State government east of the Rio Grande, and within the rightful limits of the State of Texas. These four counties, which Texas thus proposes to establish and organize as being within her own jurisdiction, extend over the whole of the territory east of the Rio Grande, which has heretofore been regarded as an essential and integral part of the department of New Mexico, and actually governed and possessed by her people until conquered and severed from the Republic of Mexico by the American arms.

The legislature of Texas has been called together by her governor for the purpose, as is understood, of maintaining her claim to the territory east of the Rio Grande and of establishing over it her own jurisdiction and her own laws by force.

These proceedings of Texas may well arrest the attention of all branches of the Government of the United States, and I rejoice that they occur while the Congress is yet in session. It is, I fear, far from being impossible that, in consequence of these proceedings of Texas, a crisis may be brought on which shall summon the two Houses of Congress, and still more emphatically the executive government, to an immediate readiness for the performance of their respective duties.

By the Constitution of the United States the President is constituted Commander in Chief of the Army and Navy, and of the militia of the several States when called into the actual service of the United States. The Constitution declares also that he shall take care that the laws be faithfully executed and that he shall from time to time give to the Congress information of the state of the Union.

Congress has power by the Constitution to provide for calling forth the militia to execute the laws of the Union, and suitable and appropriate acts of Congress have been passed as well for providing for calling forth the militia as for placing other suitable and efficient means in the hands of the President to enable him to discharge the constitutional functions of his office.

The second section of the act of the 28th of February, 1795, declares that whenever the laws of the United States shall be opposed or their execution obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or the power vested in the marshals, the President may call forth the militia, as far as may be necessary, to suppress such combinations and to cause the laws to be duly executed.

By the act of March 3, 1807, it is provided that in all cases of obstruction to the laws either of the United States or any individual State or Territory, where it is lawful for the President to call forth the militia for the purpose of causing the laws to be duly executed, it shall be lawful

for him to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary.

These several enactments are now in full force, so that if the laws of the United States are opposed or obstructed in any State or Territory by combinations too powerful to be suppressed by the judicial or civil authorities it becomes a case in which it is the duty of the President either to call out the militia or to employ the military and naval force of the United States, or to do both if in his judgment the exigency of the occasion shall so require, for the purpose of suppressing such combinations. The constitutional duty of the President is plain and peremptory and the authority vested in him by law for its performance clear and ample.

Texas is a State, authorized to maintain her own laws so far as they are not repugnant to the Constitution, laws, and treaties of the United States; to suppress insurrections against her authority, and to punish those who may commit treason against the State according to the forms provided by her own constitution and her own laws.

But all this power is local and confined entirely within the limits of Texas herself. She can possibly confer no authority which can be lawfully exercised beyond her own boundaries.

All this is plain, and hardly needs argument or elucidation. If Texas militia, therefore, march into any one of the other States or into any Territory of the United States, there to execute or enforce any law of Texas, they become at that moment trespassers; they are no longer under the protection of any lawful authority, and are to be regarded merely as intruders; and if within such State or Territory they obstruct any law of the United States, either by power of arms or mere power of numbers, constituting such a combination as is too powerful to be suppressed by the civil authority, the President of the United States has no option left to him, but is bound to obey the solemn injunction of the Constitution and exercise the high powers vested in him by that instrument and by the acts of Congress.

Or if any civil posse, armed or unarmed, enter into any Territory of the United States, under the protection of the laws thereof, with intent to seize individuals, to be carried elsewhere for trial for alleged offenses, and this posse be too powerful to be resisted by the local civil authorities, such seizure or attempt to seize is to be prevented or resisted by the authority of the United States.

The grave and important question now arises whether there be in the Territory of New Mexico any existing law of the United States opposition to which or the obstruction of which would constitute a case calling for the interposition of the authority vested in the President.

The Constitution of the United States declares that—

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

If, therefore, New Mexico be a Territory of the United States, and if any treaty stipulation be in force therein, such treaty stipulation is the supreme law of the land, and is to be maintained and upheld accordingly.

In the letter to the governor of Texas my reasons are given for believing that New Mexico is now a Territory of the United States, with the same extent and the same boundaries which belonged to it while in the actual possession of the Republic of Mexico, and before the late war. In the early part of that war both California and New Mexico were conquered by the arms of the United States, and were in the military possession of the United States at the date of the treaty of peace.

By that treaty the title by conquest was confirmed and these territories, provinces, or departments separated from Mexico forever, and by the same treaty certain important rights and securities were solemnly guaranteed to the inhabitants residing therein.

By the fifth article of the treaty it is declared that—

The boundary line between the two Republics shall commence in the Gulf of Mexico 3 leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence northward along the western line of New Mexico until it intersects the first branch of the river Gila (or, if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California. to the Pacific Ocean.

The eighth article of the treaty is in the following terms:

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States as defined by the present treaty, shall be free to continue where they now reside or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States; but they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year without having declared their intention to retain the character of Mexicans shall be considered to have elected to become citizens of the United States.

In the said territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

The ninth article of the treaty is in these words:

> The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction.

It is plain, therefore, on the face of these treaty stipulations that all Mexicans established in territories north or east of the line of demarcation already mentioned come within the protection of the ninth article, and that the treaty, being a part of the supreme law of the land, does extend over all such Mexicans, and assures to them perfect security in the free enjoyment of their liberty and property, as well as in the free exercise of their religion; and this supreme law of the land, being thus in actual force over this territory, is to be maintained until it shall be displaced or superseded by other legal provisions; and if it be obstructed or resisted by combinations too powerful to be suppressed by the civil authority the case is one which comes within the provisions of law and which obliges the President to enforce those provisions. Neither the Constitution nor the laws nor my duty nor my oath of office leave me any alternative or any choice in my mode of action.

The executive government of the United States has no power or authority to determine what was the true line of boundary between Mexico and the United States before the treaty of Guadalupe Hidalgo, nor has it any such power now, since the question has become a question between the State of Texas and the United States. So far as this boundary is doubtful, that doubt can only be removed by some act of Congress, to which the assent of the State of Texas may be necessary, or by some appropriate mode of legal adjudication; but in the meantime, if disturbances or collisions arise or should be threatened, it is absolutely incumbent on the executive government, however painful the duty, to take care that the laws be faithfully maintained; and he can regard only the actual state of things as it existed at the date of the treaty, and is bound to protect all inhabitants who were then established and who now remain north and east of the line of demarcation in the full enjoyment of their liberty and property, according to the provisions of the ninth article of the treaty. In other words, all must be now regarded as New Mexico which was possessed and occupied as New Mexico by citizens of Mexico at the date of the treaty until a definite line of boundary shall be established by competent authority.

This assertion of duty to protect the people of New Mexico from threatened violence, or from seizure to be carried into Texas for trial for alleged offenses against Texan laws, does not at all include any claim of power on the part of the Executive to establish any civil or military

government within that Territory. *That power* belongs exclusively to the legislative department, and Congress is the sole judge of the time and manner of creating or authorizing any such government.

The duty of the Executive extends only to the execution of laws and the maintenance of treaties already in force and the protection of all the people of the United States in the enjoyment of the rights which those treaties and laws guarantee.

It is exceedingly desirable that no occasion should arise for the exercise of the powers thus vested in the President by the Constitution and the laws. With whatever mildness those powers might be executed, or however clear the case of necessity, yet consequences might, nevertheless, follow of which no human sagacity can foresee either the evils or the end.

Having thus laid before Congress the communication of his excellency the governor of Texas and the answer thereto, and having made such observations as I have thought the occasion called for respecting constitutional obligations which may arise in the further progress of things and may devolve on me to be performed, I hope I shall not be regarded as stepping aside from the line of my duty, notwithstanding that I am aware that the subject is now before both Houses, if I express my deep and earnest conviction of the importance of an immediate decision or arrangement or settlement of the question of boundary between Texas and the Territory of New Mexico. All considerations of justice, general expediency, and domestic tranquillity call for this. It seems to be in its character and by position the first, or one of the first, of the questions growing out of the acquisition of California and New Mexico, and now requiring decision.

No government can be established for New Mexico, either State or Territorial, until it shall be first ascertained what New Mexico is, and what are her limits and boundaries. These can not be fixed or known till the line of division between her and Texas shall be ascertained and established; and numerous and weighty reasons conspire, in my judgment, to show that this divisional line should be established by Congress with the assent of the government of Texas. In the first place, this seems by far the most prompt mode of proceeding by which the end can be accomplished. If judicial proceedings were resorted to, such proceedings would necessarily be slow, and years would pass by, in all probability, before the controversy could be ended. So great a delay in this case is to be avoided if possible. Such delay would be every way inconvenient, and might be the occasion of disturbances and collisions. For the same reason I would, with the utmost deference to the wisdom of Congress, express a doubt of the expediency of the appointment of commissioners, and of an examination, estimate, and an award of indemnity to be made by them. This would be but a species of arbitration, which might last as long as a suit at law.

So far as I am able to comprehend the case, the general facts are now all known, and Congress is as capable of deciding on it justly and properly now as it probably would be after the report of the commissioners. If the claim of title on the part of Texas appears to Congress to be well founded in whole or in part, it is in the competency of Congress to offer her an indemnity for the surrender of that claim. In a case like this, surrounded, as it is, by many cogent considerations, all calling for amicable adjustment and immediate settlement, the Government of the United States would be justified, in my opinion, in allowing an indemnity to Texas, not unreasonable or extravagant, but fair, liberal, and awarded in a just spirit of accommodation.

I think no event would be hailed with more gratification by the people of the United States than the amicable adjustment of questions of difficulty which have now for a long time agitated the country and occupied, to the exclusion of other subjects, the time and attention of Congress.

Having thus freely communicated the results of my own reflections on the most advisable mode of adjusting the boundary question, I shall nevertheless cheerfully acquiesce in any other mode which the wisdom of Congress may devise. And in conclusion I repeat my conviction that every consideration of the public interest manifests the necessity of a provision by Congress for the settlement of this boundary question before the present session be brought to a close. The settlement of other questions connected with the same subject within the same period is greatly to be desired, but the adjustment of this appears to me to be in the highest degree important. In the train of such an adjustment we may well hope that there will follow a return of harmony and good will, an increased attachment to the Union, and the general satisfaction of the country.

MILLARD FILLMORE.

WASHINGTON, *August 8, 1850.*

To the Senate and House of Representatives:

It has been suggested that the language in the first paragraph of my message to the two Houses of Congress of the 6th instant may convey the idea that Governor Bell's letter to my predecessor was received by him before his death. It was addressed to him, but appears, in point of fact, to have been sent to me from the post-office after his death.

I make this communication to accompany the message and prevent misapprehension.

MILLARD FILLMORE.

WASHINGTON, *August 10, 1850.*

To the Senate of the United States:

I transmit herewith a communication from the Department of the Interior and the papers which accompanied it, being the first part of the

results of investigations by Henry R. Schoolcraft, esq., under the provisions of an act of Congress approved March 3, 1847, requiring the Secretary of War "to collect and digest such statistics and materials as may illustrate the history, the present condition, and future prospects of the Indian tribes of the United States."

MILLARD FILLMORE.

WASHINGTON, *August 24, 1850.*

To the Senate of the United States:

I have the honor to transmit herewith a report submitted by the Secretary of the Treasury, to whom was referred the resolution of the Senate of the 31st July last, requesting to be furnished with certain information in relation to the commerce, etc., of the district of Brazos Santiago, in Texas.

MILLARD FILLMORE.

WASHINGTON, *August 26, 1850.*

To the Senate of the United States:

I have the honor to inclose herewith a letter just received from the Secretary of War, transmitting a communication from the Colonel of the Corps of Topographical Engineers, with accompanying papers, which he requests may be taken as a supplement to the "report and map of Lieutenant J. D. Webster, Corps of Topographical Engineers, of a survey of the Gulf coast at the mouth of the Rio Grande and its vicinity," called for by a resolution of the Senate of the 1st of July last.

MILLARD FILLMORE.

WASHINGTON, *September 2, 1850.*

To the Senate of the United States:

I have the honor herewith to transmit to your honorable body a report from the Secretary of the Navy, accompanied by copies of the correspondence relating to the resignation of Edward C. Anderson, a lieutenant in the Navy, in answer to a resolution of the Senate of August 28, 1850, adopted in executive session.

MILLARD FILLMORE.

WASHINGTON, *September 9, 1850.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 5th instant, I have the honor herewith to transmit to the Senate a letter from the Secretary of State, accompanied by a copy of the report of the commissioner to China made in pursuance of the provisions of the act to carry into effect certain provisions of the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers, etc.

MILLARD FILLMORE.

WASHINGTON, *September 9, 1850.*

To the Senate of the United States:

In compliance with the request of the Hon. Manuel Alvarez, acting governor, etc., I have the honor to transmit to the Senate herewith a copy of the constitution recently adopted by the inhabitants of New Mexico, together with a digest of the votes for and against it.

Congress having just passed a bill providing a Territorial government for New Mexico, I do not deem it advisable to submit any recommendation on the subject of a State government.

MILLARD FILLMORE.

WASHINGTON, *September 12, 1850.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In answer to a resolution of the House of Representatives adopted September 2, 1850, calling upon me to communicate the full and exact cost of each of the lines of mail steamers now in service, etc., I have the honor to transmit herewith reports from the Secretary of the Navy and Postmaster-General, containing the desired information.

MILLARD FILLMORE.

WASHINGTON, *September 16, 1850.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 9th instant, adopted in executive session, asking information in reference to the nomination of John Howard Payne as consul to Tunis, I have the honor to transmit a report from the Secretary of State, giving the desired information.

MILLARD FILLMORE.

WASHINGTON, *September 23, 1850.*

To the Senate and House of Representatives:

Having been informed that it is the wish of the family and relatives of the late lamented President of the United States that his remains should be removed to the State of Kentucky, and being desirous of manifesting the most sincere and profound respect for the character of the deceased, in which I doubt not Congress will fully concur, I have felt it to be my duty to make known to you the wishes of the family, that you might previous to your adjournment adopt such proceedings and take such order on the subject as in your wisdom may seem meet and proper on the occasion.

MILLARD FILLMORE.

[The remains of the late President of the United States were removed from Washington to Louisville, Ky., October 25, 1850.]

WASHINGTON, *September 27, 1850.*

To the Senate of the United States:

I herewith transmit to the Senate, in answer to their resolution of the 23d instant, a report from the Secretary of State, with the papers* therein referred to.

MILLARD FILLMORE.

WASHINGTON, *September 28, 1850.*

To the Senate of the United States:

In answer to your resolution of the 24th instant, expressing an opinion adverse to the alleged resignation of Lieutenant Anderson, of the Navy, I have the honor herewith to transmit a report from the Secretary of the Navy, accompanied by the correspondence in reference to such resignation.

Regarding the opinion of the Senate in this matter with the most profound respect, I have given to the subject the most anxious consideration, and submitted the question to the deliberation of my Cabinet, and after a careful examination of the whole correspondence they are unanimously of opinion that Lieutenant Anderson tendered his resignation, which was duly accepted, and that he was therefore rightfully dropped from the Register. I concur fully in this opinion. With these convictions I feel compelled to adhere to the decision of my lamented predecessor, and can only regret that I have the misfortune in this instance to differ from those for whom, individually and collectively, I entertain the highest respect.

MILLARD FILLMORE.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States

*Communications from the United States minister to Turkey relative to the Hungarian exiles.

are and shall be suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from the Government of the Republic of Chile, through an official communication of Señor Don Manuel Carvallo, accredited to this Government as envoy extraordinary and minister plenipotentiary of that Republic, under date of the 31st of October, 1850, that no other or higher duties of tonnage and impost are imposed or levied in the ports of Chile upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Chilean ships and their cargoes in the same ports and under like circumstances:

Now, therefore, I, Millard Fillmore, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of Chile and the produce, manufactures, and merchandise imported into the United States in the same from Chile and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into Chile in the same, as aforesaid, shall be continued on the part of the Government of Chile.

Given under my hand, at the city of Washington, this 1st day of November, A. D. 1850, and the seventy-fifth of the Independence of the United States.

MILLARD FILLMORE.

By the President:

W. S. DERRICK, *Acting Secretary of State.*

FIRST ANNUAL MESSAGE.

WASHINGTON, *December 2, 1850.*

Fellow-Citizens of the Senate and of the House of Representatives:

Being suddenly called in the midst of the last session of Congress by a painful dispensation of Divine Providence to the responsible station which I now hold, I contented myself with such communications to the Legislature as the exigency of the moment seemed to require. The

country was shrouded in mourning for the loss of its venerable Chief Magistrate and all hearts were penetrated with grief. Neither the time nor the occasion appeared to require or to justify on my part any general expression of political opinions or any announcement of the principles which would govern me in the discharge of the duties to the performance of which I had been so unexpectedly called. I trust, therefore, that it may not be deemed inappropriate if I avail myself of this opportunity of the reassembling of Congress to make known my sentiments in a general manner in regard to the policy which ought to be pursued by the Government both in its intercourse with foreign nations and its management and administration of internal affairs.

Nations, like individuals in a state of nature, are equal and independent, possessing certain rights and owing certain duties to each other, arising from their necessary and unavoidable relations; which rights and duties there is no common human authority to protect and enforce. Still, they are rights and duties, binding in morals, in conscience, and in honor, although there is no tribunal to which an injured party can appeal but the disinterested judgment of mankind, and ultimately the arbitrament of the sword.

Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens, of changing that form as circumstances may require, and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others. Hence it becomes an imperative duty not to interfere in the government or internal policy of other nations; and although we may sympathize with the unfortunate or the oppressed everywhere in their struggles for freedom, our principles forbid us from taking any part in such foreign contests. We make no wars to promote or to prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses to establish for itself. We instigate no revolutions, nor suffer any hostile military expeditions to be fitted out in the United States to invade the territory or provinces of a friendly nation. The great law of morality ought to have a national as well as a personal and individual application. We should act toward other nations as we wish them to act toward us, and justice and conscience should form the rule of conduct between governments, instead of mere power, self-interest, or the desire of aggrandizement. To maintain a strict neutrality in foreign wars, to cultivate friendly relations, to reciprocate every noble and generous act, and to perform punctually and scrupulously every treaty obligation—these are the duties which we owe to other states, and by the performance of which we best entitle ourselves to like treatment from them; or, if that, in any case, be refused, we can enforce our own rights with justice and a clear conscience.

In our domestic policy the Constitution will be my guide, and in questions of doubt I shall look for its interpretation to the judicial decisions of that tribunal which was established to expound it and to the usage of the Government, sanctioned by the acquiescence of the country. I regard all its provisions as equally binding. In all its parts it is the will of the people expressed in the most solemn form, and the constituted authorities are but agents to carry that will into effect. Every power which it has granted is to be exercised for the public good; but no pretense of utility, no honest conviction, even, of what might be expedient, can justify the assumption of any power not granted. The powers conferred upon the Government and their distribution to the several departments are as clearly expressed in that sacred instrument as the imperfection of human language will allow, and I deem it my first duty not to question its wisdom, add to its provisions, evade its requirements, or nullify its commands.

Upon you, fellow-citizens, as the representatives of the States and the people, is wisely devolved the legislative power. I shall comply with my duty in laying before you from time to time any information calculated to enable you to discharge your high and responsible trust for the benefit of our common constituents.

My opinions will be frankly expressed upon the leading subjects of legislation; and if—which I do not anticipate—any act should pass the two Houses of Congress which should appear to me unconstitutional, or an encroachment on the just powers of other departments, or with provisions hastily adopted and likely to produce consequences injurious and unforeseen, I should not shrink from the duty of returning it to you, with my reasons, for your further consideration. Beyond the due performance of these constitutional obligations, both my respect for the Legislature and my sense of propriety will restrain me from any attempt to control or influence your proceedings. With you is the power, the honor, and the responsibility of the legislation of the country.

The Government of the United States is a limited Government. It is confined to the exercise of powers expressly granted and such others as may be necessary for carrying those powers into effect; and it is at all times an especial duty to guard against any infringement on the just rights of the States. Over the objects and subjects intrusted to Congress its legislative authority is supreme. But here that authority ceases, and every citizen who truly loves the Constitution and desires the continuance of its existence and its blessings will resolutely and firmly resist any interference in those domestic affairs which the Constitution has clearly and unequivocally left to the exclusive authority of the States. And every such citizen will also deprecate useless irritation among the several members of the Union and all reproach and crimination tending to alienate one portion of the country from another. The beauty of our system of government consists, and its safety and durability must consist,

in avoiding mutual collisions and encroachments and in the regular separate action of all, while each is revolving in its own distinct orbit.

The Constitution has made it the duty of the President to take care that the laws be faithfully executed. In a government like ours, in which all laws are passed by a majority of the representatives of the people, and these representatives are chosen for such short periods that any injurious or obnoxious law can very soon be repealed, it would appear unlikely that any great numbers should be found ready to resist the execution of the laws. But it must be borne in mind that the country is extensive; that there may be local interests or prejudices rendering a law odious in one part which is not so in another, and that the thoughtless and inconsiderate, misled by their passions or their imaginations, may be induced madly to resist such laws as they disapprove. Such persons should recollect that without law there can be no real practical liberty; that when law is trampled under foot tyranny rules, whether it appears in the form of a military despotism or of popular violence. The law is the only sure protection of the weak and the only efficient restraint upon the strong. When impartially and faithfully administered, none is beneath its protection and none above its control. You, gentlemen, and the country may be assured that to the utmost of my ability and to the extent of the power vested in me I shall at all times and in all places take care that the laws be faithfully executed. In the discharge of this duty, solemnly imposed upon me by the Constitution and by my oath of office, I shall shrink from no responsibility, and shall endeavor to meet events as they may arise with firmness, as well as with prudence and discretion.

The appointing power is one of the most delicate with which the Executive is invested. I regard it as a sacred trust, to be exercised with the sole view of advancing the prosperity and happiness of the people. It shall be my effort to elevate the standard of official employment by selecting for places of importance individuals fitted for the posts to which they are assigned by their known integrity, talents, and virtues. In so extensive a country, with so great a population, and where few persons appointed to office can be known to the appointing power, mistakes will sometimes unavoidably happen and unfortunate appointments be made notwithstanding the greatest care. In such cases the power of removal may be properly exercised; and neglect of duty or malfeasance in office will be no more tolerated in individuals appointed by myself than in those appointed by others.

I am happy in being able to say that no unfavorable change in our foreign relations has taken place since the message at the opening of the last session of Congress. We are at peace with all nations and we enjoy in an eminent degree the blessings of that peace in a prosperous and growing commerce and in all the forms of amicable national intercourse. The unexampled growth of the country, the present amount of its population, and its ample means of self-protection assure for it the respect of

all nations, while it is trusted that its character for justice and a regard to the rights of other States will cause that respect to be readily and cheerfully paid.

A convention was negotiated between the United States and Great Britain in April last for facilitating and protecting the construction of a ship canal between the Atlantic and Pacific oceans and for other purposes. The instrument has since been ratified by the contracting parties, the exchange of ratifications has been effected, and proclamation thereof has been duly made.

In addition to the stipulations contained in this convention, two other objects remain to be accomplished between the contracting powers:

First. The designation and establishment of a free port at each end of the canal.

Second. An agreement fixing the distance from the shore within which belligerent maritime operations shall not be carried on.

On these points there is little doubt that the two Governments will come to an understanding.

The company of citizens of the United States who have acquired from the State of Nicaragua the privilege of constructing a ship canal between the two oceans through the territory of that State have made progress in their preliminary arrangements. The treaty between the United States and Great Britain of the 19th of April last, above referred to, being now in operation, it is to be hoped that the guaranties which it offers will be sufficient to secure the completion of the work with all practicable expedition. It is obvious that this result would be indefinitely postponed if any other than peaceful measures for the purpose of harmonizing conflicting claims to territory in that quarter should be adopted. It will consequently be my endeavor to cause any further negotiations on the part of this Government which may be requisite for this purpose to be so conducted as to bring them to a speedy and successful close.

Some unavoidable delay has occurred, arising from distance and the difficulty of intercourse between this Government and that of Nicaragua, but as intelligence has just been received of the appointment of an envoy extraordinary and minister plenipotentiary of that Government to reside at Washington, whose arrival may soon be expected, it is hoped that no further impediments will be experienced in the prompt transaction of business between the two Governments.

Citizens of the United States have undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehuantepec, under grants of the Mexican Government to a citizen of that Republic. It is understood that a thorough survey of the course of the communication is in preparation, and there is every reason to expect that it will be prosecuted with characteristic energy, especially when that Government shall have consented to such stipulations with the Government of the United States as may be necessary to impart a feeling of security to those

who may embark their property in the enterprise. Negotiations are pending for the accomplishment of that object, and a hope is confidently entertained that when the Government of Mexico shall become duly sensible of the advantages which that country can not fail to derive from the work, and learn that the Government of the United States desires that the right of sovereignty of Mexico in the Isthmus shall remain unimpaired, the stipulations referred to will be agreed to with alacrity.

By the last advices from Mexico it would appear, however, that that Government entertains strong objections to some of the stipulations which the parties concerned in the project of the railroad deem necessary for their protection and security. Further consideration, it is to be hoped, or some modification of terms, may yet reconcile the differences existing between the two Governments in this respect.

Fresh instructions have recently been given to the minister of the United States in Mexico, who is prosecuting the subject with promptitude and ability.

Although the negotiations with Portugal for the payment of claims of citizens of the United States against that Government have not yet resulted in a formal treaty, yet a proposition, made by the Government of Portugal for the final adjustment and payment of those claims, has recently been accepted on the part of the United States. It gives me pleasure to say that Mr. Clay, to whom the negotiation on the part of the United States had been intrusted, discharged the duties of his appointment with ability and discretion, acting always within the instructions of his Government.

It is expected that a regular convention will be immediately negotiated for carrying the agreement between the two Governments into effect.

The commissioner appointed under the act of Congress for carrying into effect the convention with Brazil of the 27th of January, 1849, has entered upon the performance of the duties imposed upon him by that act. It is hoped that those duties may be completed within the time which it prescribes. The documents, however, which the Imperial Government, by the third article of the convention, stipulates to furnish to the Government of the United States have not yet been received. As it is presumed that those documents will be essential for the correct disposition of the claims, it may become necessary for Congress to extend the period limited for the duration of the commission. The sum stipulated by the fourth article of the convention to be paid to this Government has been received.

The collection in the ports of the United States of discriminating duties upon the vessels of Chili and their cargoes has been suspended, pursuant to the provisions of the act of Congress of the 24th of May, 1828. It is to be hoped that this measure will impart a fresh impulse to the commerce between the two countries, which of late, and especially since our acquisition of California, has, to the mutual advantage of the parties, been much augmented.

Peruvian guano has become so desirable an article to the agricultural interest of the United States that it is the duty of the Government to employ all the means properly in its power for the purpose of causing that article to be imported into the country at a reasonable price. Nothing will be omitted on my part toward accomplishing this desirable end. I am persuaded that in removing any restraints on this traffic the Peruvian Government will promote its own best interests, while it will afford a proof of a friendly disposition toward this country, which will be duly appreciated.

The treaty between the United States and His Majesty the King of the Hawaiian Islands, which has recently been made public, will, it is believed, have a beneficial effect upon the relations between the two countries.

The relations between those parts of the island of St. Domingo which were formerly colonies of Spain and France, respectively, are still in an unsettled condition. The proximity of that island to the United States and the delicate questions involved in the existing controversy there render it desirable that it should be permanently and speedily adjusted. The interests of humanity and of general commerce also demand this; and as intimations of the same sentiment have been received from other governments, it is hoped that some plan may soon be devised to effect the object in a manner likely to give general satisfaction. The Government of the United States will not fail, by the exercise of all proper friendly offices, to do all in its power to put an end to the destructive war which has raged between the different parts of the island and to secure to them both the benefits of peace and commerce.

I refer you to the report of the Secretary of the Treasury for a detailed statement of the finances.

The total receipts into the Treasury for the year ending 30th of June last were $47,421,748.90.

The total expenditures during the same period were $43,002,168.90.

The public debt has been reduced since the last annual report from the Treasury Department $495,276.79.

By the nineteenth section of the act of 28th January, 1847, the proceeds of the sales of the public lands were pledged for the interest and principal of the public debt. The great amount of those lands subsequently granted by Congress for military bounties will, it is believed, very nearly supply the public demand for several years to come, and but little reliance can, therefore, be placed on that hitherto fruitful source of revenue. Aside from the permanent annual expenditures, which have necessarily largely increased, a portion of the public debt, amounting to $8,075,986.59, must be provided for within the next two fiscal years. It is most desirable that these accruing demands should be met without resorting to new loans.

All experience has demonstrated the wisdom and policy of raising a

large portion of revenue for the support of Government from duties on goods imported. The power to lay these duties is unquestionable, and its chief object, of course, is to replenish the Treasury. But if in doing this an incidental advantage may be gained by encouraging the industry of our own citizens, it is our duty to avail ourselves of that advantage.

A duty laid upon an article which can not be produced in this country, such as tea or coffee, adds to the cost of the article, and is chiefly or wholly paid by the consumer. But a duty laid upon an article which may be produced here stimulates the skill and industry of our own country to produce the same article, which is brought into the market in competition with the foreign article, and the importer is thus compelled to reduce his price to that at which the domestic article can be sold, thereby throwing a part of the duty upon the producer of the foreign article. The continuance of this process creates the skill and invites the capital which finally enable us to produce the article much cheaper than it could have been procured from abroad, thereby benefiting both the producer and the consumer at home. The consequence of this is that the artisan and the agriculturist are brought together, each affords a ready market for the produce of the other, the whole country becomes prosperous, and the ability to produce every necessary of life renders us independent in war as well as in peace.

A high tariff can never be permanent. It will cause dissatisfaction, and will be changed. It excludes competition, and thereby invites the investment of capital in manufactures to such excess that when changed it brings distress, bankruptcy, and ruin upon all who have been misled by its faithless protection. What the manufacturer wants is uniformity and permanency, that he may feel a confidence that he is not to be ruined by sudden changes. But to make a tariff uniform and permanent it is not only necessary that the laws should not be altered, but that the duty should not fluctuate. To effect this all duties should be specific wherever the nature of the article is such as to admit of it. *Ad valorem* duties fluctuate with the price and offer strong temptations to fraud and perjury. Specific duties, on the contrary, are equal and uniform in all ports and at all times, and offer a strong inducement to the importer to bring the best article, as he pays no more duty upon that than upon one of inferior quality. I therefore strongly recommend a modification of the present tariff, which has prostrated some of our most important and necessary manufactures, and that specific duties be imposed sufficient to raise the requisite revenue, making such discriminations in favor of the industrial pursuits of our own country as to encourage home production without excluding foreign competition. It is also important that an unfortunate provision in the present tariff, which imposes a much higher duty upon the raw material that enters into our manufactures than upon the manufactured article, should be remedied.

The papers accompanying the report of the Secretary of the Treasury

will disclose frauds attempted upon the revenue, in variety and amount so great as to justify the conclusion that it is impossible under any system of *ad valorem* duties levied upon the foreign cost or value of the article to secure an honest observance and an effectual administration of the laws. The fraudulent devices to evade the law which have been detected by the vigilance of the appraisers leave no room to doubt that similar impositions not discovered, to a large amount, have been successfully practiced since the enactment of the law now in force. This state of things has already had a prejudicial influence upon those engaged in foreign commerce. It has a tendency to drive the honest trader from the business of importing and to throw that important branch of employment into the hands of unscrupulous and dishonest men, who are alike regardless of law and the obligations of an oath. By these means the plain intentions of Congress, as expressed in the law, are daily defeated. Every motive of policy and duty, therefore, impels me to ask the earnest attention of Congress to this subject. If Congress should deem it unwise to attempt any important changes in the system of levying duties at this session, it will become indispensable to the protection of the revenue that such remedies as in the judgment of Congress may mitigate the evils complained of should be at once applied.

As before stated, specific duties would, in my opinion, afford the most perfect remedy for this evil; but if you should not concur in this view, then, as a partial remedy, I beg leave respectfully to recommend that instead of taking the invoice of the article abroad as a means of determining its value here, the correctness of which invoice it is in many cases impossible to verify, the law be so changed as to require a home valuation or appraisal, to be regulated in such manner as to give, as far as practicable, uniformity in the several ports.

There being no mint in California, I am informed that the laborers in the mines are compelled to dispose of their gold dust at a large discount. This appears to me to be a heavy and unjust tax upon the labor of those employed in extracting this precious metal, and I doubt not you will be disposed at the earliest period possible to relieve them from it by the establishment of a mint. In the meantime, as an assayer's office is established there, I would respectfully submit for your consideration the propriety of authorizing gold bullion which has been assayed and stamped to be received in payment of Government dues. I can not conceive that the Treasury would suffer any loss by such a provision, which will at once raise bullion to its par value, and thereby save (if I am rightly informed) many millions of dollars to the laborers which are now paid in brokerage to convert this precious metal into available funds. This discount upon their hard earnings is a heavy tax, and every effort should be made by the Government to relieve them from so great a burden.

More than three-fourths of our population are engaged in the cultivation of the soil. The commercial, manufacturing, and navigating

interests are all to a great extent dependent on the agricultural. It is therefore the most important interest of the nation, and has a just claim to the fostering care and protection of the Government so far as they can be extended consistently with the provisions of the Constitution. As this can not be done by the ordinary modes of legislation, I respectfully recommend the establishment of an agricultural bureau, to be charged with the duty of giving to this leading branch of American industry the encouragement which it so well deserves. In view of the immense mineral resources of our country, provision should also be made for the employment of a competent mineralogist and chemist, who should be required, under the direction of the head of the bureau, to collect specimens of the various minerals of our country and to ascertain by careful analysis their respective elements and properties and their adaptation to useful purposes. He should also be required to examine and report upon the qualities of different soils and the manures best calculated to improve their productiveness. By publishing the results of such experiments, with suitable explanations, and by the collection and distribution of rare seeds and plants, with instructions as to the best system of cultivation, much may be done to promote this great national interest.

In compliance with the act of Congress passed on the 23d of May, 1850, providing, among other things, for taking the Seventh Census, a superintendent was appointed and all other measures adopted which were deemed necessary to insure the prompt and faithful performance of that duty. The appropriation already made will, it is believed, be sufficient to defray the whole expense of the work, but further legislation may be necessary in regard to the compensation of some of the marshals of the Territories. It will also be proper to make provision by law at an early day for the publication of such abstracts of the returns as the public interests may require.

The unprecedented growth of our territories on the Pacific in wealth and population and the consequent increase of their social and commercial relations with the Atlantic States seem to render it the duty of the Government to use all its constitutional power to improve the means of intercourse with them. The importance of opening "a line of communication, the best and most expeditious of which the nature of the country will admit," between the Valley of the Mississippi and the Pacific was brought to your notice by my predecessor in his annual message; and as the reasons which he presented in favor of the measure still exist in full force, I beg leave to call your attention to them and to repeat the recommendations then made by him.

The uncertainty which exists in regard to the validity of land titles in California is a subject which demands your early consideration. Large bodies of land in that State are claimed under grants said to have been made by authority of the Spanish and Mexican Governments. Many of these have not been perfected, others have been revoked, and some are

believed to be fraudulent. But until they shall have been judicially investigated they will continue to retard the settlement and improvement of the country. I therefore respectfully recommend that provision be made by law for the appointment of commissioners to examine all such claims with a view to their final adjustment.

I also beg leave to call your attention to the propriety of extending at an early day our system of land laws, with such modifications as may be necessary, over the State of California and the Territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies; but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences. I therefore recommend that instead of retaining the mineral lands under the permanent control of the Government they be divided into small parcels and sold, under such restrictions as to quantity and time as will insure the best price and guard most effectually against combinations of capitalists to obtain monopolies.

The annexation of Texas and the acquisition of California and New Mexico have given increased importance to our Indian relations. The various tribes brought under our jurisdiction by these enlargements of our boundaries are estimated to embrace a population of 124,000.

Texas and New Mexico are surrounded by powerful tribes of Indians, who are a source of constant terror and annoyance to the inhabitants. Separating into small predatory bands, and always mounted, they overrun the country, devastating farms, destroying crops, driving off whole herds of cattle, and occasionally murdering the inhabitants or carrying them into captivity. The great roads leading into the country are infested with them, whereby traveling is rendered extremely dangerous and immigration is almost entirely arrested. The Mexican frontier, which by the eleventh article of the treaty of Guadalupe Hidalgo we are bound to protect against the Indians within our border, is exposed to these incursions equally with our own. The military force stationed in that country, although forming a large proportion of the Army, is represented as entirely inadequate to our own protection and the fulfillment of our treaty stipulations with Mexico. The principal deficiency is in cavalry, and I recommend that Congress should, at as early a period as practicable, provide for the raising of one or more regiments of mounted men.

For further suggestions on this subject and others connected with our

domestic interests and the defense of our frontier, I refer you to the reports of the Secretary of the Interior and of the Secretary of War.

I commend also to your favorable consideration the suggestion contained in the last-mentioned report and in the letter of the General in Chief relative to the establishment of an asylum for the relie of disabled and destitute soldiers. This subject appeals so strongly to your sympathies that it would be superfluous in me to say anything more than barely to express my cordial approbation of the proposed object.

The Navy continues to give protection to our commerce and other national interests in the different quarters of the globe, and, with the exception of a single steamer on the Northern lakes, the vessels in commission are distributed in six different squadrons.

The report of the head of that Department will exhibit the services of these squadrons and of the several vessels employed in each during the past year. It is a source of gratification that, while they have been constantly prepared for any hostile emergency, they have everywhere met with the respect and courtesy due as well to the dignity as to the peaceful dispositions and just purposes of the nation.

The two brigantines accepted by the Government from a generous citizen of New York and placed under the command of an officer of the Navy to proceed to the Arctic Seas in quest of the British commander Sir John Franklin and his companions, in compliance with the act of Congress approved in May last, had when last heard from penetrated into a high northern latitude; but the success of this noble and humane enterprise is yet uncertain.

I invite your attention to the view of our present naval establishment and resources presented in the report of the Secretary of the Navy, and the suggestions therein made for its improvement, together with the naval policy recommended for the security of our Pacific Coast and the protection and extension of our commerce with eastern Asia. Our facilities for a larger participation in the trade of the East, by means of our recent settlements on the shores of the Pacific, are too obvious to be overlooked or disregarded.

The questions in relation to rank in the Army and Navy and relative rank between officers of the two branches of the service, presented to the Executive by certain resolutions of the House of Representatives at the last session of Congress, have been submitted to a board of officers in each branch of the service, and their report may be expected at an early day.

I also earnestly recommend the enactment of a law authorizing officers of the Army and Navy to be retired from the service when incompetent for its vigorous and active duties, taking care to make suitable provision for those who have faithfully served their country and awarding distinctions by retaining in appropriate commands those who have been particularly conspicuous for gallantry and good conduct. While the obligation of the country to maintain and honor those who, to the exclu-

sion of other pursuits, have devoted themselves to its arduous service is acknowledged, this obligation should not be permitted to interfere with the efficiency of the service itself.

I am gratified in being able to state that the estimates of expenditure for the Navy in the ensuing year are less by more than $1,000,000 than those of the present, excepting the appropriation which may become necessary for the construction of a dock on the coast of the Pacific, propositions for which are now being considered and on which a special report may be expected early in your present session.

There is an evident justness in the suggestion of the same report that appropriations for the naval service proper should be separated from those for fixed and permanent objects, such as building docks and navy-yards and the fixtures attached, and from the extraordinary objects under the care of the Department which, however important, are not essentially naval.

A revision of the code for the government of the Navy seems to require the immediate consideration of Congress. Its system of crimes and punishments had undergone no change for half a century until the last session, though its defects have been often and ably pointed out; and the abolition of a particular species of corporal punishment, which then took place, without providing any substitute, has left the service in a state of defectiveness which calls for prompt correction. I therefore recommend that the whole subject be revised without delay and such a system established for the enforcement of discipline as shall be at once humane and effectual.

The accompanying report of the Postmaster-General presents a satisfactory view of the operations and condition of that Department.

At the close of the last fiscal year the length of the inland mail routes in the United States (not embracing the service in Oregon and California) was 178,672 miles, the annual transportation thereon 46,541,423 miles, and the annual cost of such transportation $2,724,426.

The increase of the annual transportation over that of the preceding year was 3,997,354 miles and the increase in cost was $342,440.

The number of post-offices in the United States on the 1st day of July last was 18,417, being an increase of 1,670 during the preceding year.

The gross revenues of the Department for the fiscal year ending June 30, 1850, amounted to $5,552,971.48, including the annual appropriation of $200,000 for the franked matter of the Departments and excluding the foreign postages collected for and payable to the British Government.

The expenditures for the same period were $5,212,953.43, leaving a balance of revenue over expenditures of $340,018.05.

I am happy to find that the fiscal condition of the Department is such as to justify the Postmaster-General in recommending the reduction of our inland letter postage to 3 cents the single letter when prepaid and 5 cents when not prepaid. He also recommends that the prepaid rate shall

be reduced to 2 cents whenever the revenues of the Department, after the reduction, shall exceed its expenditures by more than 5 per cent for two consecutive years; that the postage upon California and other letters sent by our ocean steamers shall be much reduced, and that the rates of postage on newspapers, pamphlets, periodicals, and other printed matter shall be modified and some reduction thereon made.

It can not be doubted that the proposed reductions will for the present diminish the revenues of the Department. It is believed that the deficiency, after the surplus already accumulated shall be exhausted, may be almost wholly met either by abolishing the existing privileges of sending free matter through the mails or by paying out of the Treasury to the Post-Office Department a sum equivalent to the postage of which it is deprived by such privileges. The last is supposed to be the preferable mode, and will, if not entirely, so nearly supply that deficiency as to make any further appropriation that may be found necessary so inconsiderable as to form no obstacle to the proposed reductions.

I entertain no doubt of the authority of Congress to make appropriations for leading objects in that class of public works comprising what are usually called works of internal improvement. This authority I suppose to be derived chiefly from the power of regulating commerce with foreign nations and among the States and the power of laying and collecting imposts. Where commerce is to be carried on and imposts collected there must be ports and harbors as well as wharves and custom-houses. If ships laden with valuable cargoes approach the shore or sail along the coast, light-houses are necessary at suitable points for the protection of life and property. Other facilities and securities for commerce and navigation are hardly less important; and those clauses of the Constitution, therefore, to which I have referred have received from the origin of the Government a liberal and beneficial construction. Not only have light-houses, buoys, and beacons been established and floating lights maintained, but harbors have been cleared and improved, piers constructed, and even breakwaters for the safety of shipping and sea walls to protect harbors from being filled up and rendered useless by the action of the ocean, have been erected at very great expense. And this construction of the Constitution appears the more reasonable from the consideration that if these works, of such evident importance and utility, are not to be accomplished by Congress they can not be accomplished at all. By the adoption of the Constitution the several States voluntarily parted with the power of collecting duties of imposts in their own ports, and it is not to be expected that they should raise money by internal taxation, direct or indirect, for the benefit of that commerce the revenues derived from which do not, either in whole or in part, go into their own treasuries. Nor do I perceive any difference between the power of Congress to make appropriations for objects of this kind on the ocean and the power to make appropriations for similar objects on lakes and

rivers, wherever they are large enough to bear on their waters an extensive traffic. The magnificent Mississippi and its tributaries and the vast lakes of the North and Northwest appear to me to fall within the exercise of the power as justly and as clearly as the ocean and the Gulf of Mexico. It is a mistake to regard expenditures judiciously made for these objects as expenditures for local purposes. The position or sight of the work is necessarily local, but its utility is general. A ship canal around the Falls of St. Mary of less than a mile in length, though local in its construction, would yet be national in its purpose and its benefits, as it would remove the only obstruction to a navigation of more than 1,000 miles, affecting several States, as well as our commercial relations with Canada. So, too, the breakwater at the mouth of the Delaware is erected, not for the exclusive benefit of the States bordering on the bay and river of that name, but for that of the whole coastwise navigation of the United States and, to a considerable extent, also of foreign commerce. If a ship be lost on the bar at the entrance of a Southern port for want of sufficient depth of water, it is very likely to be a Northern ship; and if a steamboat be sunk in any part of the Mississippi on account of its channel not having been properly cleared of obstructions, it may be a boat belonging to either of eight or ten States. I may add, as somewhat remarkable, that among all the thirty-one States there is none that is not to a greater or less extent bounded on the ocean, or the Gulf of Mexico, or one of the Great Lakes, or some navigable river.

In fulfilling our constitutional duties, fellow-citizens, on this subject, as in carrying into effect all other powers conferred by the Constitution, we should consider ourselves as deliberating and acting for one and the same country, and bear constantly in mind that our regard and our duty are due not to a particular part only, but to the whole.

I therefore recommend that appropriations be made for completing such works as have been already begun and for commencing such others as may seem to the wisdom of Congress to be of public and general importance.

The difficulties and delays incident to the settlement of private claims by Congress amount in many cases to a denial of justice. There is reason to apprehend that many unfortunate creditors of the Government have thereby been unavoidably ruined. Congress has so much business of a public character that it is impossible it should give much attention to mere private claims, and their accumulation is now so great that many claimants must despair of ever being able to obtain a hearing. It may well be doubted whether Congress, from the nature of its organization, is properly constituted to decide upon such cases. It is impossible that each member should examine the merits of every claim on which he is compelled to vote, and it is preposterous to ask a judge to decide a case which he has never heard. Such decisions may, and frequently must, do injustice either to the claimant or the Government, and I perceive

no better remedy for this growing evil than the establishment of some tribunal to adjudicate upon such claims. I beg leave, therefore, most respectfully to recommend that provision be made by law for the appointment of a commission to settle all private claims against the United States; and as an *ex parte* hearing must in all contested cases be very unsatisfactory, I also recommend the appointment of a solicitor, whose duty it shall be to represent the Government before such commission and protect it against all illegal, fraudulent, or unjust claims which may be presented for their adjudication.

This District, which has neither voice nor vote in your deliberations, looks to you for protection and aid, and I commend all its wants to your favorable consideration, with a full confidence that you will meet them not only with justice, but with liberality. It should be borne in mind that in this city, laid out by Washington and consecrated by his name, is located the Capitol of our nation, the emblem of our Union and the symbol of our greatness. Here also are situated all the public buildings necessary for the use of the Government, and all these are exempt from taxation. It should be the pride of Americans to render this place attractive to the people of the whole Republic and convenient and safe for the transaction of the public business and the preservation of the public records. The Government should therefore bear a liberal proportion of the burdens of all necessary and useful improvements. And as nothing could contribute more to the health, comfort, and safety of the city and the security of the public buildings and records than an abundant supply of pure water, I respectfully recommend that you make such provisions for obtaining the same as in your wisdom you may deem proper.

The act, passed at your last session, making certain propositions to Texas for settling the disputed boundary between that State and the Territory of New Mexico was, immediately on its passage, transmitted by express to the governor of Texas, to be laid by him before the general assembly for its agreement thereto. Its receipt was duly acknowledged, but no official information has yet been received of the action of the general assembly thereon. It may, however, be very soon expected, as, by the terms of the propositions submitted they were to have been acted upon on or before the first day of the present month.

It was hardly to have been expected that the series of measures passed at your last session with the view of healing the sectional differences which had sprung from the slavery and territorial questions should at once have realized their beneficent purpose. All mutual concession in the nature of a compromise must necessarily be unwelcome to men of extreme opinions. And though without such concessions our Constitution could not have been formed, and can not be permanently sustained, yet we have seen them made the subject of bitter controversy in both sections of the Republic. It required many months of discussion and

deliberation to secure the concurrence of a majority of Congress in their favor. It would be strange if they had been received with immediate approbation by people and States prejudiced and heated by the exciting controversies of their representatives. I believe those measures to have been required by the circumstances and condition of the country. I believe they were necessary to allay asperities and animosities that were rapidly alienating one section of the country from another and destroying those fraternal sentiments which are the strongest supports of the Constitution. They were adopted in the spirit of conciliation and for the purpose of conciliation. I believe that a great majority of our fellow-citizens sympathize in that spirit and that purpose, and in the main approve and are prepared in all respects to sustain these enactments. I can not doubt that the American people, bound together by kindred blood and common traditions, still cherish a paramount regard for the Union of their fathers, and that they are ready to rebuke any attempt to violate its integrity, to disturb the compromises on which it is based, or to resist the laws which have been enacted under its authority.

The series of measures to which I have alluded are regarded by me as a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embraced. Most of these subjects, indeed, are beyond your reach, as the legislation which disposed of them was in its character final and irrevocable. It may be presumed from the opposition which they all encountered that none of those measures was free from imperfections, but in their mutual dependence and connection they formed a system of compromise the most conciliatory and best for the entire country that could be obtained from conflicting sectional interests and opinions.

For this reason I recommend your adherence to the adjustment established by those measures until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

By that adjustment we have been rescued from the wide and boundless agitation that surrounded us, and have a firm, distinct, and legal ground to rest upon. And the occasion, I trust, will justify me in exhorting my countrymen to rally upon and maintain that ground as the best, if not the only, means of restoring peace and quiet to the country and maintaining inviolate the integrity of the Union.

And now, fellow-citizens, I can not bring this communication to a close without invoking you to join me in humble and devout thanks to the Great Ruler of Nations for the multiplied blessings which He has graciously bestowed upon us. His hand, so often visible in our preservation, has stayed the pestilence, saved us from foreign wars and domestic disturbances, and scattered plenty throughout the land.

Our liberties, religious and civil, have been maintained, the fountains of knowledge have all been kept open, and means of happiness widely spread and generally enjoyed greater than have fallen to the lot of any

other nation. And while deeply penetrated with gratitude for the past, let us hope that His all-wise providence will so guide our counsels as that they shall result in giving satisfaction to our constituents, securing the peace of the country, and adding new strength to the united Government under which we live.

MILLARD FILLMORE.

SPECIAL MESSAGES.

WASHINGTON, *December 9, 1850.*

To the House of Representatives:

I communicate to the House of Representatives a translation of a note of the 5th instant addressed to the Secretary of State by the minister of the Mexican Republic accredited to this Government, relative to a subject* to which the attention of Congress was invited in my message at the opening of the present session.

MILLARD FILLMORE.

[The same message was sent to the Senate.]

WASHINGTON, *December 12, 1850.*

To the Senate of the United States:

I herewith transmit a report of the Secretary of State, with accompanying documents, relating to the African slave trade, in answer to the resolution of the Senate of the 28th of August last.

MILLARD FILLMORE.

WASHINGTON, *December 13, 1850.*

To the Senate and House of Representatives:

I have the pleasure of announcing to Congress the agreement on the part of Texas to the propositions offered to that State by the act of Congress approved on the 9th day of September last, entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries and of all her claims upon the United States, and to establish a Territorial government for New Mexico."

By the terms of that act it was required that the agreement of Texas to the propositions contained in it should be given on or before the 1st day of December, 1850. An authenticated transcript of a law passed

*Incursions of Indians of the United States upon the population of the Mexican frontier

by the legislature of Texas on the 25th day of November, agreeing to and accepting the propositions contained in the act of Congress, has been received. This law, after reciting the provisions of the act of Congress, proceeds to enact and declare as follows, viz:

Therefore, first. *Be it enacted by the legislature of the State of Texas*, That the State of Texas hereby agrees to and accepts said propositions; and it is hereby declared that the said State shall be bound by the terms thereof according to their true import and meaning.

Second. That the governor of this State be, and is hereby, requested to cause a copy of this act, authenticated under the seal of the State, to be furnished to the President of the United States by mail as early as practicable, and also a copy thereof, certified in like manner, to be transmitted to each of the Senators and Representatives of Texas in Congress. And that this act take effect from and after its passage.

C. G. KEENAN,
Speaker of the House of Representatives.
JOHN A. GREER,
President of the Senate.

Approved, November 25, 1850.

P. H. BELL.

From the common sources of public information it would appear that a very remarkable degree of unanimity prevailed, not only in the legislature, but among the people of Texas, in respect to the agreement of the State to that which had been proposed by Congress.

I can not refrain from congratulating Congress and the country on the success of this great and leading measure of conciliation and peace. The difficulties felt and the dangers apprehended from the vast acquisitions of territory under the late treaty with Mexico seem now happily overcome by the wisdom of Congress. Within that territory there already exists one State, respectable for the amount of her population, distinguished for singular activity and enterprise, and remarkable in many respects from her condition and history. This new State has come into the Union with manifestations not to be mistaken of her attachment to that Constitution and that Government which now embrace her and her interests within their protecting and beneficent control.

Over the residue of the acquired territories regular Territorial governments are now established in the manner which has been most usual in the history of this Government. Various other acts of Congress may undoubtedly be requisite for the benefit as well as for the proper government of these so distant parts of the country. But the same legislative wisdom which has triumphed over the principal difficulties and accomplished the main end may safely be relied on for whatever measures may yet be found necessary to perfect its work, so that the acquisition of these vast regions to the United States may rather strengthen than weaken the Constitution, which is over us all, and the Union, which affords such ample daily proofs of its inestimable value.

MILLARD FILLMORE.

WASHINGTON, *December 17, 1850.*

To the Senate of the United States:

I herewith transmit a letter from the Secretary of War, communicating a report of a board of officers to which, in pursuance of a resolution of the Senate passed on the 30th of September last, were submitted the questions proposed therein, relative to the expediency and necessity of creating additional grades of commissioned officers in the Army and of enacting provisions authorizing officers of the Army to exercise civil functions in emergencies to be enumerated and restraining them from usurping the powers of civil functionaries.

MILLARD FILLMORE.

WASHINGTON, *December 30, 1850.*

To the Senate of the United States:

I herewith transmit to the Senate, in reply to their resolution of the 26th instant, a report from the Secretary of State, with accompanying papers.*

MILLARD FILLMORE.

WASHINGTON, *January 3, 1851.*

To the House of Representatives:

By a resolution passed by the House of Representatives on the 24th day of July, 1850, the President was requested to cause to be prepared and communicated to the House certain opinions of the Attorneys-General therein specified. On inquiry I learned that the force employed in the Attorney-General's Office was not sufficient to perform this work; consequently, I employed Benjamin F. Hall, esq., a counselor at law, on the 9th day of September last, to execute it, and requested him to commence it immediately. I informed him that I was not authorized to give any other assurances as to compensation than that it rested with Congress to provide and fix it. I believe Mr. Hall to be in all respects competent and well fitted for the task which he has undertaken, and diligent in the performance of it; and it appears to me that the most just mode of compensation will be to make a per diem allowance of $8 per day for the time actually employed, to be paid on the certificate of the Attorney-General.

I also transmit herewith a portion of the manuscript prepared in pursuance of said resolution, with a letter from Mr. Hall to me indicating the mode in which he thinks the work should be prepared and printed, which appears to me worthy of consideration and adoption by the House.

MILLARD FILLMORE.

*Correspondence with the Austrian chargé d'affaires respecting the appointment or proceedings of the agent sent to examine and report upon the condition and prospects of the Hungarian people during their struggle for ndependence.

WASHINGTON, *January 10, 1851.*

To the Senate of the United States:

I have the honor herewith to transmit to the Senate a communication from the Secretary of the Navy on the subject of the discipline of the Navy, suggesting such amendments of the law as may be necessary in consequence of the recent act abolishing flogging; to which I respectfully invite the immediate attention of Congress.

MILLARD FILLMORE.

WASHINGTON, *January 14, 1851.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives adopted July 18, 1850, requesting the President to communicate his views on sundry questions of rank, precedence, and command among officers of the Army and officers of the Navy, respectively, and of relative rank between officers of the Army and Navy when brought into cooperation, I caused to be convened a board of intelligent and experienced officers in each branch of the service to consider the matters involved in said resolutions and to report their opinion for my advice and information.

Their reports have been made, and I have the honor herewith to submit copies of them, together with bills drafted substantially in accordance therewith, on the subject of rank in each branch of the service.

The subject is one of great interest, and it is highly important that it should be settled by legislative authority and with as little delay as possible consistently with its proper examination.

The points on which it will be perceived that the two boards disagree in regard to relative rank between officers of the Army and Navy are not esteemed of very great practical importance, and the adoption of the rule proposed by either would be acceptable to the Executive.

But even if a decision on these shall be suspended, it is hoped that the bills which are designed to regulate rank, precedence, and command in the Army and Navy as separate branches of service may receive the sanction of Congress, with such amendments as may be deemed appropriate, in the course of the present session.

MILLARD FILLMORE.

WASHINGTON, *February 3, 1851.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, with accompanying papers,* in answer to their resolution of the 30th ultimo.

MILLARD FILLMORE.

* Correspondence relative to the possessory rights of the British Hudsons Bay Company in Oregon.

WASHINGTON, *February 12, 1851.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with accompanying documents,* in answer to the Senate's resolution of the 1st instant.

MILLARD FILLMORE.

WASHINGTON, *February 13, 1851.*

To the Senate of the United States:

I herewith communicate to the Senate, for its consideration, a general convention between the United States and the Swiss Confederation, concluded and signed at Berne on the 25th day of November last by Mr. A. Dudley Mann on the part of the United States and by Messrs. Druey and Frey-Hérosée on the part of the Swiss Confederation. I communicate at the same time a copy of the instructions under which Mr. Mann acted and his dispatch of the 30th November last, explanatory of the articles of the convention.

In submitting this convention to the consideration of the Senate I feel it my duty to invite its special attention to the first and fifth articles. These articles appear to contain provisions quite objectionable, if, indeed, they can be considered as properly embraced in the treaty-making power.

The second clause of the first article is in these words:

> In the United States of America citizens of Switzerland shall be received and treated in each State upon the same footing and upon the same conditions as citizens of the United States born in or belonging to other States of the Union.

It is well known that according to the Constitution of the United States a citizen of one State may hold lands in any other State; and States have, sometimes by general, sometimes by special, laws, removed the disabilities attaching to foreigners not naturalized in regard to the holding of land. But this is not supposed to be a power properly to be exercised by the President and Senate in concluding and ratifying a treaty with a foreign state. The authority naturally belongs to the State within whose limits the land may lie. The naturalization of foreigners is provided for by the laws of the United States, in pursuance of the provision of the Constitution; but when, under the operation of these laws, foreigners become citizens of the United States, all would seem to be done which it is in the power of this Government to do to enable foreigners to hold land. The clause referred to, therefore, appears to me inadmissible.

The fourth clause of the same article provides, among other things, that citizens of Switzerland may, within the United States, acquire, possess, and alienate personal and real estate, and the fifth article grants them the power of disposing of their real estate, which, perhaps, would

* Correspondence with Spain relative to the claim of the owners of the schooner *Amistad* for compensation on account of the liberation of negroes on board said vessel.

be no otherwise objectionable, if it stood by itself, than as it would seem to imply a power to hold that of which they are permitted to dispose.

These objections, perhaps, may be removed by striking out the second clause of the first article and the words "and real" in the fourth clause. An amendment similar to the last here suggested was made by the Senate in the convention between the United States and the King of Bavaria, the ratification of which, as amended, the Senate advised and consented to on the 15th day of March, 1845.

But there is another and a decisive objection, arising from the last clause in the first article. That clause is in these words:

> On account of the tenor of the federal constitution of Switzerland, Christians alone are entitled to the enjoyment of the privileges guaranteed by the present article in the Swiss Cantons. But said Cantons are not prohibited from extending the same privileges to citizens of the United States of other religious persuasions.

It appears from this that Christians alone are, in some of the Swiss Cantons, entitled to the enjoyment of privileges guaranteed by the first article, although the Cantons themselves are not prohibited from extending the same privileges to citizens of the United States of other religious persuasions.

It is quite certain that neither by law, nor by treaty, nor by any other official proceeding is it competent for the Government of the United States to establish any distinction between its citizens founded on differences in religious beliefs. Any benefit or privilege conferred by law or treaty on one must be common to all, and we are not at liberty, on a question of such vital interest and plain constitutional duty, to consider whether the particular case is one in which substantial inconvenience or injustice might ensue. It is enough that an inequality would be sanctioned hostile to the institutions of the United States and inconsistent with the Constitution and the laws.

Nor can the Government of the United States rely on the individual Cantons of Switzerland for extending the same privileges to other citizens of the United States as this article extends to Christians. It is indispensable not only that every privilege granted to any of the citizens of the United States should be granted to all, but also that the grant of such privilege should stand upon the same stipulation and assurance by the whole Swiss Confederation as those of other articles of the convention.

There have been instances, especially some of recent occurrence, in which the Executive has transmitted treaties to the Senate with suggestions of amendment, and I have therefore thought it not improper to send the present convention to the Senate, inviting its attention to such amendments as appeared to me to be important, although I have entertained considerable doubt whether it would not be better to send back the convention for correction in the objectionable particulars before laying it before the Senate for ratification.

MILLARD FILLMORE.

WASHINGTON, *February 13, 1851.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 10th instant, calling for information relative to a contract alleged to have been made by Mr. I. D. Marks with the Mexican Government, I transmit a report from the Secretary of State and the documents* which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *February 13, 1851.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 28th of January, 1851, I have the honor to transmit herewith reports from the Secretary of State and Secretary of the Treasury, giving the required correspondence in the case of the British ship *Albion*, seized in Oregon for an alleged violation of the revenue laws.

MILLARD FILLMORE.

WASHINGTON, *February 15, 1851.*

To the Senate of the United States:

In addition to the information heretofore communicated, I now transmit to the Senate a report from the Secretary of State, with accompanying papers,† in answer to their resolution of the 28th ultimo.

MILLARD FILLMORE.

WASHINGTON, *February 15, 1851.*

To the Senate of the United States:

I herewith transmit to the Senate a report‡ from the Secretary of State, in answer to their resolution of the 10th instant.

MILLARD FILLMORE.

WASHINGTON, *February 18, 1851.*

The PRESIDENT OF THE SENATE:

In addition to the papers already transmitted to the Senate in compliance with its resolution of the 28th ultimo, I have the honor herewith to transmit an additional report§ from the Secretary of the Treasury.

MILLARD FILLMORE.

* Relating to drafts upon the Treasury of the United States by Mexico on account of indemnity due that Government in pursuance of the treaty of Guadalupe Hidalgo.

† Additional correspondence relative to the seizure of the British ship *Albion*.

‡ Relating to taxation by New Granada on United States citizens when *in transitu* across the Isthmus of Panama, and to the United States mail service at said Isthmus.

§ Relating to the seizure of the British ship *Albion*.

EXECUTIVE DEPARTMENT, *February 19, 1851.*

To the Senate of the United States:

I have received the resolution of the Senate of the 18th instant, requesting me to lay before that body, if not incompatible with the public interest, any information I may possess in regard to an alleged recent case of a forcible resistance to the execution of the laws of the United States in the city of Boston, and to communicate to the Senate, under the above conditions, what means I have adopted to meet the occurrence, and whether in my opinion any additional legislation is necessary to meet the exigency of the case and to more vigorously execute existing laws.

The public newspapers contain an affidavit of Patrick Riley, a deputy marshal for the district of Massachusetts, setting forth the circumstances of the case, a copy of which affidavit is herewith communicated. Private and unofficial communications concur in establishing the main facts of this account, but no satisfactory official information has as yet been received; and in some important respects the accuracy of the account has been denied by persons whom it implicates. Nothing could be more unexpected than that such a gross violation of law, such a high-handed contempt of the authority of the United States, should be perpetrated by a band of lawless confederates at noonday in the city of Boston, and in the very temple of justice. I regard this flagitious proceeding as being a surprise not unattended by some degree of negligence; nor do I doubt that if any such act of violence had been apprehended thousands of the good citizens of Boston would have presented themselves voluntarily and promptly to prevent it. But the danger does not seem to have been timely made known or duly appreciated by those who were concerned in the execution of the process. In a community distinguished for its love of order and respect for the laws, among a people whose sentiment is liberty and law, and not liberty without law nor above the law, such an outrage could only be the result of sudden violence, unhappily too much unprepared for to be successfully resisted. It would be melancholy indeed if we were obliged to regard this outbreak against the constitutional and legal authority of the Government as proceeding from the general feeling of the people in a spot which is proverbially called "the Cradle of American Liberty." Such, undoubtedly, is not the fact. It violates without question the general sentiment of the people of Boston and of a vast majority of the whole people of Massachusetts, as much as it violates the law, defies the authority of the Government, and disgraces those concerned in it, their aiders and abettors.

It is, nevertheless, my duty to lay before the Senate, in answer to its resolution, some important facts and considerations connected with the subject.

A resolution of Congress of September 23, 1789, declared:

> That it be recommended to the legislatures of the several States to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein

all prisoners committed under the authority of the United States until they shall be discharged by the course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such States respectively; the United States to pay for the use and keeping of such jails at the rate of 50 cents per month for each prisoner that shall, under their authority, be committed thereto during the time such prisoner shall be therein confined, and also to support such of said prisoners as shall be committed for offenses.

A further resolution of Congress, of the 3d of March, 1791, provides that—

Whereas Congress did, by a resolution of the 23d day of September, 1789, recommend to the several States to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein all prisoners committed under the authority of the United States: In order, therefore, to insure the administration of justice—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any State shall not have complied with the said recommendation the marshal in such State, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States.

And a resolution of Congress of March 3, 1821, provides that—

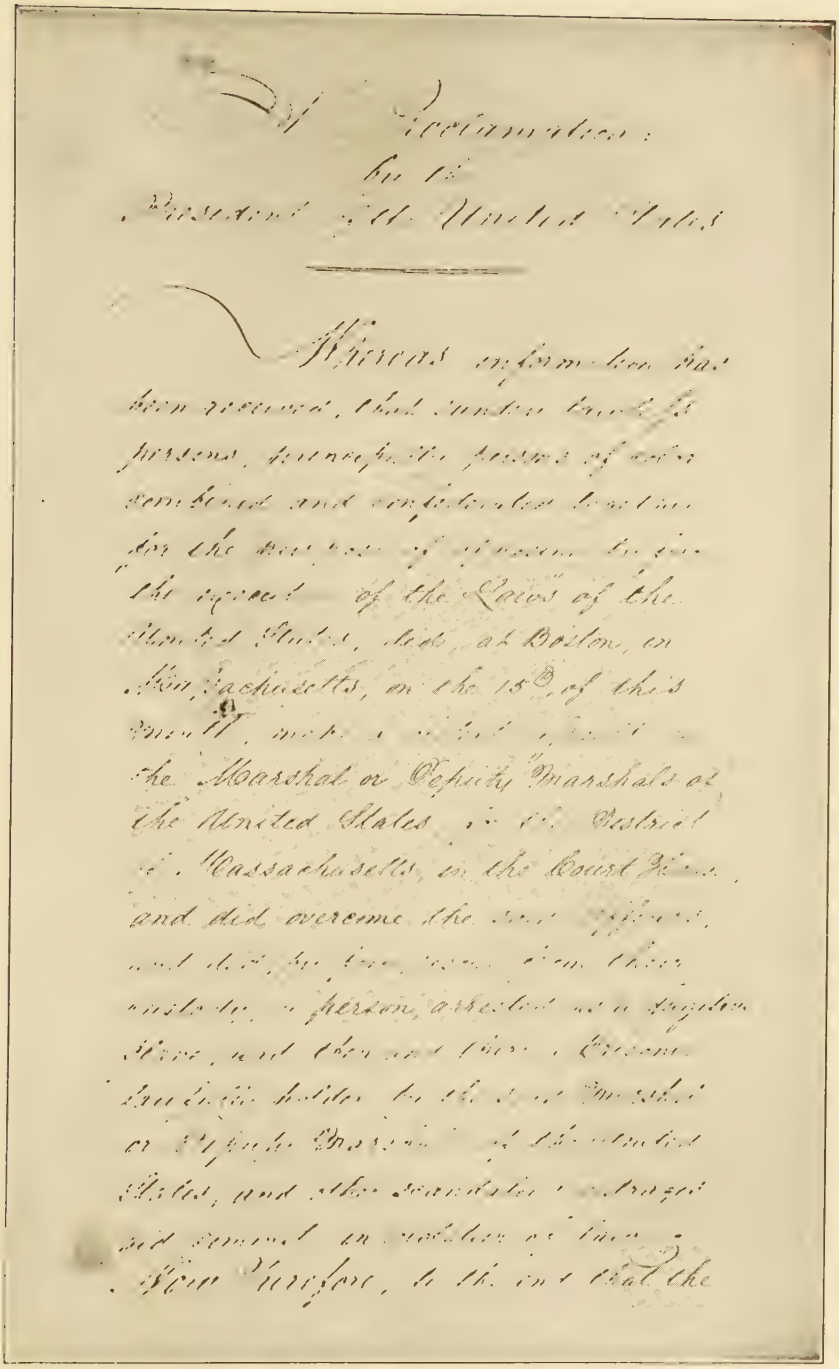
Where any State or States, having complied with the recommendation of Congress in the resolution of the 23d day of September, 1789, shall have withdrawn, or shall hereafter withdraw, either in whole or in part, the use of their jails for prisoners committed under the authority of the United States, the marshal in such State or States, under the direction of the judge of the district, shall be, and hereby is, authorized and required to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States.

These various provisions of the law remain unrepealed.

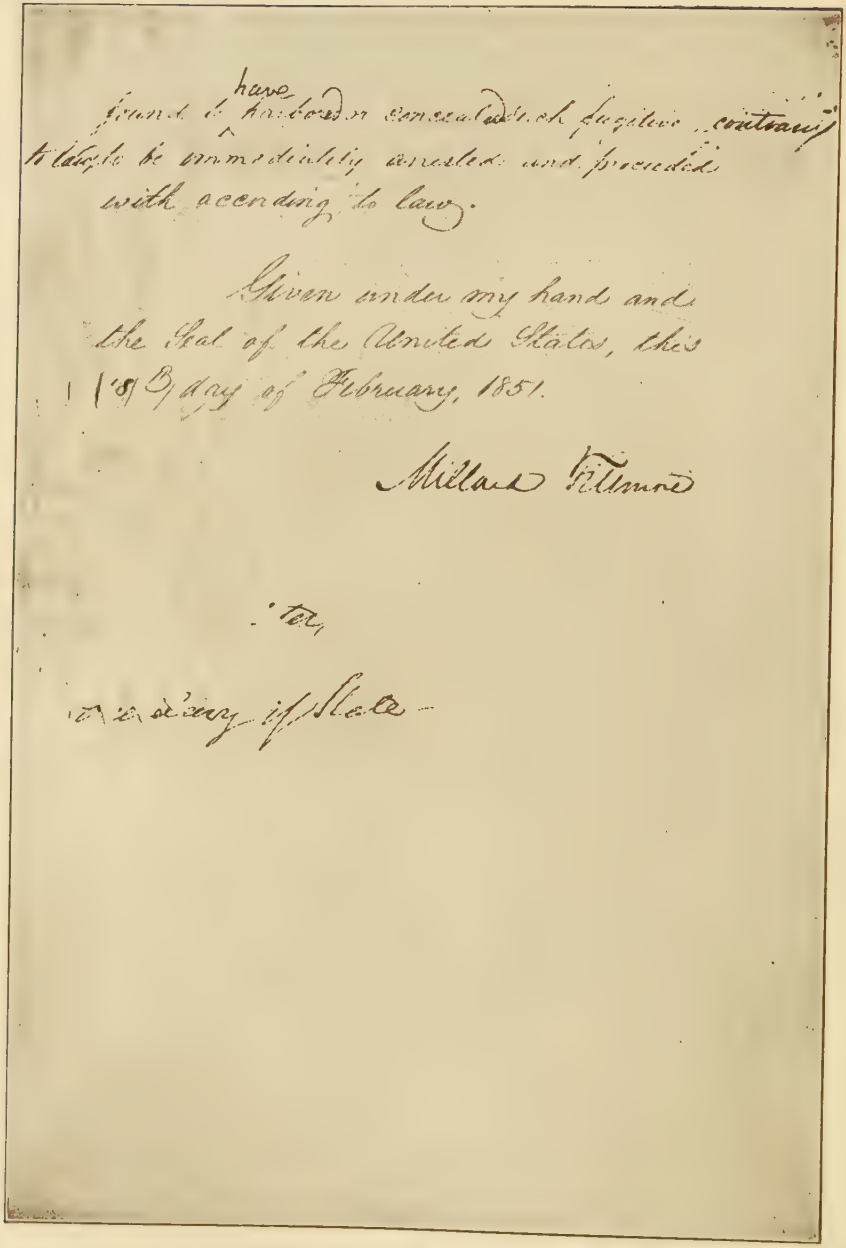
By the law of Massachusetts, as that law stood before the act of the legislature of that State of the 24th of March, 1843, the common jails in the respective counties were to be used for the detention of any persons detained or committed by the authority of the courts of the United States, as well as by the courts and magistrates of the State. But these provisions were abrogated and repealed by the act of the legislature of Massachusetts of the 24th of March, 1843.

That act declares that—

No judge of any court of record of this Commonwealth and no justice of the peace shall hereafter take cognizance or grant a certificate in cases that may arise under the third section of an act of Congress passed February 12, 1793, and entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," to any person who claims any other person as a fugitive slave within the jurisdiction of the Commonwealth.



FILLMORE'S PROCLAMATION AGAINST RESISTANCE TO FEDERAL MARSHALS IN BOSTON.


found to have harbored or concealed such fugitives, contrary to law, to be immediately arrested and proceeded with according to law.

Given under my hand and the Seal of the United States, this 18th day of February, 1851.

Millard Fillmore

By the President:

Daniel Webster
Secretary of State.

LAST PAGE AND SIGNATURE OF FILLMORE'S FUGITIVE SLAVE PROCLAMATION.

And it further declares that—

No sheriff, deputy sheriff, coroner, constable, jailer, or other officer of this Commonwealth shall hereafter arrest or detain, or aid in the arrest or detention or imprisonment, in any jail or other building belonging to this Commonwealth, or to any county, city, or town thereof, of any person for the reason that he is claimed as a fugitive slave.

And it further declares that—

Any justice of the peace, sheriff, deputy sheriff, coroner, constable, or jailer who shall offend against the provisions of this law by in any way acting, directly or indirectly, under the power conferred by the third section of the act of Congress aforementioned shall forfeit a sum not exceeding $1,000 for every such offense to the use of the county where said offense is committed, or shall be subject to imprisonment not exceeding one year in the county jail.

This law, it is obvious, had two objects. The first was to make it a penal offense in all officers and magistrates of the Commonwealth to exercise the powers conferred on them by the act of Congress of the 12th of February, 1793, entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," and which powers they were fully competent to perform up to the time of this inhibition and penal enactment; second, to refuse the use of the jails of the State for the detention of any person claimed as a fugitive slave.

It is deeply to be lamented that the purpose of these enactments is quite apparent. It was to prevent, as far as the legislature of the State could prevent, the laws of Congress passed for the purpose of carrying into effect that article of the Constitution of the United States which declares that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due" from being carried into effect. But these acts of State legislation, although they may cause embarrassment and create expense, can not derogate either from the duty or the authority of Congress to carry out fully and fairly the plain and imperative constitutional provision for the delivery of persons bound to labor in one State and escaping into another to the party to whom such labor may be due. It is quite clear that by the resolution of Congress of March 3, 1821, the marshal of the United States in any State in which the use of the jails of the State has been withdrawn, in whole or in part, from the purpose of the detention of persons committed under the authority of the United States is not only empowered, but expressly required, under the direction of the judge of the district, to hire a convenient place for the safe-keeping of prisoners committed under authority of the United States. It will be seen from papers accompanying this communication that the attention of the marshal of Massachusetts was distinctly called to this provision of the law by a letter from the Secretary of the Navy of the date of October 28 last.

There is no official information that the marshal has provided any such place for the confinement of his prisoners. If he has not, it is to be regretted that this power was not exercised by the marshal under the direction of the district judge immediately on the passage of the act of the legislature of Massachusetts of the 24th of March, 1843, and especially that it was not exercised on the passage of the fugitive-slave law of the last session, or when the attention of the marshal was afterwards particularly drawn to it.

It is true that the escape from the deputy marshals in this case was not owing to the want of a prison or place of confinement, but still it is not easy to see how the prisoner could have been safely and conveniently detained during an adjournment of the hearing for some days without such place of confinement. If it shall appear that no such place has been obtained, directions to the marshal will be given to lose no time in the discharge of this duty.

I transmit to the Senate the copy of a proclamation issued by me on the 18th instant in relation to these unexpected and deplorable occurrences in Boston, together with copies of instructions from the Departments of War and Navy relative to the general subject. And I communicate also copies of telegraphic dispatches transmitted from the Department of State to the district attorney and marshal of the United States for the district of Massachusetts and their answers thereto.

In regard to the last branch of the inquiry made by the resolution of the Senate, I have to observe that the Constitution declares that "the President shall take care that the laws be faithfully executed," and that "he shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States," and that "Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." From which it appears that the Army and Navy are by the Constitution placed under the control of the Executive; and probably no legislation of Congress could add to or diminish the power thus given but by increasing or diminishing or abolishing altogether the Army and Navy. But not so with the militia. The President can not call the militia into service, even to execute the laws or repel invasions, but by the authority of acts of Congress passed for that purpose. But when the militia are called into service in the manner prescribed by law, then the Constitution itself gives the command to the President. Acting on this principle, Congress, by the act of February 28, 1795, authorized the President to call forth the militia to repel invasion and "suppress insurrections against a State government, and to suppress combinations against the laws of the United States, and cause the laws to be faithfully executed." But the act proceeds to declare that whenever it may be necessary, in the judgment of the President, to use the military force thereby directed to be called forth, the

President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time. These words are broad enough to require a proclamation in all cases where militia are called out under that act, whether to repel invasion or suppress an insurrection or to aid in executing the laws. This section has consequently created some doubt whether the militia could be called forth to aid in executing the laws without a previous proclamation. But yet the proclamation seems to be in words directed only against insurgents, and to require them to disperse, thereby implying not only an insurrection, but an organized, or at least an embodied, force. Such a proclamation in aid of the civil authority would often defeat the whole object by giving such notice to persons intended to be arrested that they would be enabled to fly or secrete themselves. The force may be wanted sometimes to make the arrest, and also sometimes to protect the officer after it is made, and to prevent a rescue. I would therefore suggest that this section be modified by declaring that nothing therein contained shall be construed to require any previous proclamation when the militia are called forth, either to repel invasion, to execute the laws, or suppress combinations against them, and that the President may make such call and place such militia under the control of any civil officer of the United States to aid him in executing the laws or suppressing such combinations; and while so employed they shall be paid by and subsisted at the expense of the United States.

Congress, not probably adverting to the difference between the militia and the Regular Army, by the act of March 3, 1807, authorized the President to use the land and naval forces of the United States for the same purposes for which he might call forth the militia, and subject to the same proclamation. But the power of the President under the Constitution, as Commander of the Army and Navy, is general, and his duty to see the laws faithfully executed is general and positive; and the act of 1807 ought not to be construed as evincing any disposition in Congress to limit or restrain this constitutional authority. For greater certainty, however, it may be well that Congress should modify or explain this act in regard to its provisions for the employment of the Army and Navy of the United States, as well as that in regard to calling forth the militia. It is supposed not to be doubtful that all citizens, whether enrolled in the militia or not, may be summoned as members of the *posse comitatus*, either by the marshal or a commissioner according to law, and that it is their duty to obey such summons. But perhaps it may be doubted whether the marshal or a commissioner can summon as the *posse comitatus* an organized militia force, acting under its own appropriate officers, without the consent of such officers. This point may deserve the consideration of Congress.

I use this occasion to repeat the assurance that so far as depends on me the laws shall be faithfully executed and all forcible opposition to them

suppressed; and to this end I am prepared to exercise, whenever it may become necessary, the power constitutionally vested in me to the fullest extent. I am fully persuaded that the great majority of the people of this country are warmly and strongly attached to the Constitution, the preservation of the Union, the just support of the Government, and the maintenance of the authority of law. I am persuaded that their earnest wishes and the line of my constitutional duty entirely concur, and I doubt not firmness, moderation, and prudence, strengthened and animated by the general opinion of the people, will prevent the repetition of occurrences disturbing the public peace and reprobated by all good men.

MILLARD FILLMORE.

WASHINGTON, *February 25, 1851.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and the Mexican Republic for the protection of a transit way across the Isthmus of Tehuantepec, signed in the City of Mexico on the 25th ultimo.

Accompanying the treaty is a letter from Mr. P. A. Hargous, the present proprietor and holder of the privileges granted by Mexico, signifying his assent to and acceptance of the terms of its provisions. There is also an abstract of title to him from the original grantee and copies of the several powers and conveyances by which that title is derived to him. It may be well that these papers should be returned to be deposited among the archives of the Department of State.

The additional article of the treaty makes an unnecessary reference to the eleventh, twelfth, and thirteenth articles of the treaty of the 22d of June last, because the eleventh, twelfth, and thirteenth articles of the present treaty contain exactly the same provisions as those contained in the same articles of that treaty, as will appear from the copy of the treaty of the 22d of June last, herewith communicated.

MILLARD FILLMORE.

WASHINGTON, *February 26, 1851.*

To the Senate of the United States:

I herewith communicate to the Senate, for its consideration, a convention for the adjustment of certain claims of citizens of the United States against Her Most Faithful Majesty's Government,* concluded and signed this day in the city of Washington by the respective plenipotentiaries.

MILLARD FILLMORE.

* Portugal.

WASHINGTON, *February 27, 1851.*

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, with accompanying documents,* in compliance with the resolution of the Senate of the 17th ultimo.

MILLARD FILLMORE.

WASHINGTON, *February 28, 1851.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 16th ultimo, requesting information touching the difficulties between the British authorities and San Salvador, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *March 1, 1851.*

Hon. HOWELL COBB,

Speaker of the House of Representatives:

I have the honor herewith to transmit to the House of Representatives manuscript No. 2 of the opinions of the Attorneys-General, prepared in pursuance of its resolution.

MILLARD FILLMORE.

WASHINGTON, *March 3, 1851.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 26th ultimo, calling for information respecting a forcible abduction of any citizen of the United States from the Territory of New Mexico and his conveyance within the limits of the Mexican Republic, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 9th of September, 1850, entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries and of all her claims upon the United States, and to establish a Territorial government for New Mexico," it was provided that the

* Correspondence relative to prisoners captured by Spanish authorities at or near the island of Contoy, and to projected expeditions to Cuba.

following propositions should be, and the same were thereby, offered to the State of Texas, which, when agreed to by the said State in an act passed by the general assembly, should be binding and obligatory upon the United States and upon the said State of Texas, provided the said agreement by the said general assembly should be given on or before the 1st day of December, 1850, namely:

"First. The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of 100° west from Greenwich is intersected by the parallel of 36° 30′ north latitude, and shall run from said point due west to the meridian of 103° west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of 32° of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico.

"Second. The State of Texas cedes to the United States all her claim to territory exterior to the limits and boundaries which she agrees to establish by the first article of this agreement.

"Third. The State of Texas relinquishes all claim upon the United States for liability of the debts of Texas and for compensation or indemnity for the surrender to the United States of her ships, forts, arsenals, custom-houses, custom-house revenue, arms and munitions of war, and public buildings with their sites, which became the property of the United States at the time of the annexation.

"Fourth. The United States, in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims, will pay to the State of Texas the sum of $10,000,000 in a stock bearing 5 per cent interest, and redeemable at the end of fourteen years, the interest payable half-yearly at the Treasury of the United States.

"Fifth. Immediately after the President of the United States shall have been furnished with an authentic copy of the act of the general assembly of Texas accepting these propositions, he shall cause the stock to be issued in favor of the State of Texas, as provided for in the fourth article of this agreement: *Provided also*, That no more than $5,000,000 of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas for which duties on imports were specially pledged shall first file at the Treasury of the United States releases of all claim against the United States for or on account of said bonds or certificates in such form as shall be prescribed by the Secretary of the Treasury and approved by the President of the United States: *Provided*, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the 'Joint resolution for annexing Texas to the United States,' approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise;" and

Whereas it was further provided by the eighteenth section of the same

act of Congress "that the provisions of this act be, and they are hereby, suspended until the boundary between the United States and the State of Texas shall be adjusted, and when such adjustment shall have been effected the President of the United States shall issue his proclamation declaring this act to be in full force and operation;" and

Whereas the legislature of the State of Texas, by an act approved the 25th of November last, entitled "An act accepting the propositions made by the United States to the State of Texas in an act of the Congress of the United States approved the 9th day of September, A. D. 1850, and entitled 'An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries and of all her claims upon the United States, and to establish a Territorial government for New Mexico,'" of which act a copy, authenticated under the seal of the State, has been furnished to the President, enacts "that the State of Texas hereby agrees to and accepts said propositions, and it is hereby declared that the said State shall be bound by the terms thereof, according to their true import and meaning:"

Now, therefore, I, Millard Fillmore, President of the United States of America, do hereby declare and proclaim that the said act of the Congress of the United States of the 9th of September last is in full force and operation.

Given under my hand, at the city of Washington, this 13th day of December, A. D. 1850, and the seventy-fifth of the Independence of these United States. [SEAL.]

MILLARD FILLMORE.

By the President:

DANL. WEBSTER,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas information has been received that sundry lawless persons, principally persons of color, combined and confederated together for the purpose of opposing by force the execution of the laws of the United States, did, at Boston, in Massachusetts, on the 15th of this month, make a violent assault on the marshal or deputy marshals of the United States for the district of Massachusetts, in the court-house, and did overcome the said officers, and did by force rescue from their custody a person arrested as a fugitive slave, and then and there a prisoner lawfully holden by the said marshal or deputy marshals of the United States, and other scandalous outrages did commit in violation of law:

Now, therefore, to the end that the authority of the laws may be maintained and those concerned in violating them brought to immediate and

condign punishment, I have issued this my proclamation, calling on all well-disposed citizens to rally to the support of the laws of their country, and requiring and commanding all officers, civil and military, and all other persons, civil or military, who shall be found within the vicinity of this outrage, to be aiding and assisting by all means in their power in quelling this and other such combinations and assisting the marshal and his deputies in recapturing the above-mentioned prisoner; and I do especially direct that prosecutions be commenced against all persons who shall have made themselves aiders or abettors in or to this flagitious offense; and I do further command that the district attorney of the United States and all other persons concerned in the administration or execution of the laws of the United States cause the foregoing offenders and all such as aided, abetted, or assisted them or shall be found to have harbored or concealed such fugitive contrary to law to be immediately arrested and proceeded with according to law.

Given under my hand and the seal of the United States this 18th day of February, 1851.

[SEAL.] MILLARD FILLMORE.

DANL. WEBSTER,
Secretary of State.

[From Executive Journal of the Senate, Vol. VIII, p. 299.]

WASHINGTON, *March 3, 1851.*

To the Senators of the United States, respectively.

SIR: Whereas divers and weighty causes connected with executive business necessary to be transacted create an extraordinary occasion requiring that the Senate be convened, you are therefore requested, as a member of that body, to attend a meeting thereof to be holden at the Capitol, in the city of Washington, on the 4th day of March instant.

MILLARD FILLMORE.

SPECIAL MESSAGES.

WASHINGTON, *March 4, 1851.*

To the Senate of the United States:

Sundry nominations having been made during the last session of the Senate which were not finally disposed of, I hereby nominate anew each person so nominated at the last session whose nomination was not finally acted on before the termination of that session to the same office for which he was nominated as aforesaid.

MILLARD FILLMORE.

WASHINGTON, *March 10, 1851.*

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, with the accompanying documents,* in compliance with the resolution of the Senate of the 8th instant.

MILLARD FILLMORE.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas there is reason to believe that a military expedition is about to be fitted out in the United States with intention to invade the island of Cuba, a colony of Spain, with which this country is at peace; and

Whereas it is believed that this expedition is instigated and set on foot chiefly by foreigners who dare to make our shores the scene of their guilty and hostile preparations against a friendly power and seek by falsehood and misrepresentation to seduce our own citizens, especially the young and inconsiderate, into their wicked schemes—an ungrateful return for the benefits conferred upon them by this people in permitting them to make our country an asylum from oppression and in flagrant abuse of the hospitality thus extended to them; and

Whereas such expeditions can only be regarded as adventures for plunder and robbery, and must meet the condemnation of the civilized world, whilst they are derogatory to the character of our country, in violation of the laws of nations, and expressly prohibited by our own. Our statutes declare "that if any person shall, within the territory or jurisdiction of the United States, begin or set on foot or provide or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state or of any colony, district, or people with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor and shall be fined not exceeding $3,000 and imprisoned not more than three years:"

Now, therefore, I have issued this my proclamation, warning all persons who shall connect themselves with any such enterprise or expedition in violation of our laws and national obligations that they will thereby subject themselves to the heavy penalties denounced against such offenses and will forfeit their claim to the protection of this Government or any interference on their behalf, no matter to what extremities they may be reduced in consequence of their illegal conduct. And therefore I exhort all good citizens, as they regard our national reputation, as they respect

* Correspondence with the United States minister at Constantinople respecting the liberation of Kossuth and his companions.

their own laws and the laws of nations, as they value the blessings of peace and the welfare of their country, to discountenance and by all lawful means prevent any such enterprise; and I call upon every officer of this Government, civil or military, to use all efforts in his power to arrest for trial and punishment every such offender against the laws of the country.

Given under my hand the 25th day of April, A. D. 1851, and the seventy-fifth of the Independence of the United States.

[SEAL.] MILLARD FILLMORE.

By the President:

W. S. DERRICK,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas there is reason to believe that a military expedition is about to be fitted out in the United States for the purpose of invading the Mexican Republic, with which this country is at peace; and

Whereas there is reason to apprehend that a portion of the people of this country, regardless of their duties as good citizens, are concerned in or may be seduced to take part in the same; and

Whereas such enterprises tend to degrade the character of the United States in the opinion of the civilized world and are expressly prohibited by law:

Now, therefore, I have issued this my proclamation, warning all persons who shall connect themselves with any such enterprise in violation of the laws and national obligations of the United States that they will thereby subject themselves to the heavy penalties denounced against such offenses; that if they should be captured within the jurisdiction of the Mexican authorities they must expect to be tried and punished according to the laws of Mexico and will have no right to claim the interposition of this Government in their behalf.

I therefore exhort all well-disposed citizens who have at heart the reputation of their country and are animated with a just regard for its laws, its peace, and its welfare to discountenance and by all lawful means prevent any such enterprise; and I call upon every officer of this Government, civil or military, to be vigilant in arresting for trial and punishment every such offender.

Given under my hand the 22d day of October, A. D. 1851, and the seventy-sixth of the Independence of the United States.

By the President: MILLARD FILLMORE.

J. J. CRITTENDEN,
Acting Secretary of State.

SECOND ANNUAL MESSAGE.

WASHINGTON, *December 2, 1851.*

Fellow-Citizens of the Senate and of the House of Representatives:

I congratulate you and our common constituency upon the favorable auspices under which you meet for your first session. Our country is at peace with all the world. The agitation which for a time threatened to disturb the fraternal relations which make us one people is fast subsiding, and a year of general prosperity and health has crowned the nation with unusual blessings. None can look back to the dangers which are passed or forward to the bright prospect before us without feeling a thrill of gratification, at the same time that he must be impressed with a grateful sense of our profound obligations to a beneficent Providence, whose paternal care is so manifest in the happiness of this highly favored land.

Since the close of the last Congress certain Cubans and other foreigners resident in the United States, who were more or less concerned in the previous invasion of Cuba, instead of being discouraged by its failure have again abused the hospitality of this country by making it the scene of the equipment of another military expedition against that possession of Her Catholic Majesty, in which they were countenanced, aided, and joined by citizens of the United States. On receiving intelligence that such designs were entertained, I lost no time in issuing such instructions to the proper officers of the United States as seemed to be called for by the occasion. By the proclamation a copy of which is herewith submitted I also warned those who might be in danger of being inveigled into this scheme of its unlawful character and of the penalties which they would incur. For some time there was reason to hope that these measures had sufficed to prevent any such attempt. This hope, however, proved to be delusive. Very early in the morning of the 3d of August a steamer called the *Pampero* departed from New Orleans for Cuba, having on board upward of 400 armed men with evident intentions to make war upon the authorities of the island. This expedition was set on foot in palpable violation of the laws of the United States. Its leader was a Spaniard, and several of the chief officers and some others engaged in it were foreigners. The persons composing it, however, were mostly citizens of the United States.

Before the expedition set out, and probably before it was organized, a slight insurrectionary movement, which appears to have been soon suppressed, had taken place in the eastern quarter of Cuba. The importance of this movement was, unfortunately, so much exaggerated in the accounts of it published in this country that these adventurers seem to have been led to believe that the Creole population of the island not

only desired to throw off the authority of the mother country, but had resolved upon that step and had begun a well-concerted enterprise for effecting it. The persons engaged in the expedition were generally young and ill informed. The steamer in which they embarked left New Orleans stealthily and without a clearance. After touching at Key West, she proceeded to the coast of Cuba, and on the night between the 11th and 12th of August landed the persons on board at Playtas, within about 20 leagues of Havana.

The main body of them proceeded to and took possession of an inland village 6 leagues distant, leaving others to follow in charge of the baggage as soon as the means of transportation could be obtained. The latter, having taken up their line of march to connect themselves with the main body, and having proceeded about 4 leagues into the country, were attacked on the morning of the 13th by a body of Spanish troops, and a bloody conflict ensued, after which they retreated to the place of disembarkation, where about 50 of them obtained boats and reembarked therein. They were, however, intercepted among the keys near the shore by a Spanish steamer cruising on the coast, captured and carried to Havana, and after being examined before a military court were sentenced to be publicly executed, and the sentence was carried into effect on the 16th of August.

On receiving information of what had occurred Commodore Foxhall A. Parker was instructed to proceed in the steam frigate *Saranac* to Havana and inquire into the charges against the persons executed, the circumstances under which they were taken, and whatsoever referred to their trial and sentence. Copies of the instructions from the Department of State to him and of his letters to that Department are herewith submitted.

According to the record of the examination, the prisoners all admitted the offenses charged against them, of being hostile invaders of the island. At the time of their trial and execution the main body of the invaders was still in the field making war upon the Spanish authorities and Spanish subjects. After the lapse of some days, being overcome by the Spanish troops, they dispersed on the 24th of August. Lopez, their leader, was captured some days after, and executed on the 1st of September. Many of his remaining followers were killed or died of hunger and fatigue, and the rest were made prisoners. Of these none appear to have been tried or executed. Several of them were pardoned upon application of their friends and others, and the rest, about 160 in number, were sent to Spain. Of the final disposition made of these we have no official information.

Such is the melancholy result of this illegal and ill-fated expedition. Thus thoughtless young men have been induced by false and fraudulent representations to violate the law of their country through rash and unfounded expectations of assisting to accomplish political revolutions in

other states, and have lost their lives in the undertaking. Too severe a judgment can hardly be passed by the indignant sense of the community upon those who, being better informed themselves, have yet led away the ardor of youth and an ill-directed love of political liberty. The correspondence between this Government and that of Spain relating to this transaction is herewith communicated.

Although these offenders against the laws have forfeited the protection of their country, yet the Government may, so far as consistent with its obligations to other countries and its fixed purpose to maintain and enforce the laws, entertain sympathy for their unoffending families and friends, as well as a feeling of compassion for themselves. Accordingly, no proper effort has been spared and none will be spared to procure the release of such citizens of the United States engaged in this unlawful enterprise as are now in confinement in Spain; but it is to be hoped that such interposition with the Government of that country may not be considered as affording any ground of expectation that the Government of the United States will hereafter feel itself under any obligation of duty to intercede for the liberation or pardon of such persons as are flagrant offenders against the law of nations and the laws of the United States. These laws must be executed. If we desire to maintain our respectability among the nations of the earth, it behooves us to enforce steadily and sternly the neutrality acts passed by Congress and to follow as far as may be the violation of those acts with condign punishment.

But what gives a peculiar criminality to this invasion of Cuba is that, under the lead of Spanish subjects and with the aid of citizens of the United States, it had its origin with many in motives of cupidity. Money was advanced by individuals, probably in considerable amounts, to purchase Cuban bonds, as they have been called, issued by Lopez, sold, doubtless, at a very large discount, and for the payment of which the public lands and public property of Cuba, of whatever kind, and the fiscal resources of the people and government of that island, from whatever source to be derived, were pledged, as well as the good faith of the government expected to be established. All these means of payment, it is evident, were only to be obtained by a process of bloodshed, war, and revolution. None will deny that those who set on foot military expeditions against foreign states by means like these are far more culpable than the ignorant and the necessitous whom they induce to go forth as the ostensible parties in the proceeding. These originators of the invasion of Cuba seem to have determined with coolness and system upon an undertaking which should disgrace their country, violate its laws, and put to hazard the lives of ill-informed and deluded men. You will consider whether further legislation be necessary to prevent the perpetration of such offenses in future.

No individuals have a right to hazard the peace of the country or to

violate its laws upon vague notions of altering or reforming governments in other states. This principle is not only reasonable in itself and in accordance with public law, but is ingrafted into the codes of other nations as well as our own. But while such are the sentiments of this Government, it may be added that every independent nation must be presumed to be able to defend its possessions against unauthorized individuals banded together to attack them. The Government of the United States at all times since its establishment has abstained and has sought to restrain the citizens of the country from entering into controversies between other powers, and to observe all the duties of neutrality. At an early period of the Government, in the Administration of Washington, several laws were passed for this purpose. The main provisions of these laws were reenacted by the act of April, 1818, by which, amongst other things, it was declared that—

> If any person shall, within the territory or jurisdiction of the United States, begin, or set on foot, or provide or prepare the means for, any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding $3,000 and imprisoned not more than three years.

And this law has been executed and enforced to the full extent of the power of the Government from that day to this.

In proclaiming and adhering to the doctrine of neutrality and nonintervention, the United States have not followed the lead of other civilized nations; they have taken the lead themselves and have been followed by others. This was admitted by one of the most eminent of modern British statesmen, who said in Parliament, while a minister of the Crown, "that if he wished for a guide in a system of neutrality he should take that laid down by America in the days of Washington and the secretaryship of Jefferson;" and we see, in fact, that the act of Congress of 1818 was followed the succeeding year by an act of the Parliament of England substantially the same in its general provisions. Up to that time there had been no similar law in England, except certain highly penal statutes passed in the reign of George II, prohibiting English subjects from enlisting in foreign service, the avowed object of which statutes was that foreign armies, raised for the purpose of restoring the house of Stuart to the throne, should not be strengthened by recruits from England herself.

All must see that difficulties may arise in carrying the laws referred to into execution in a country now having 3,000 or 4,000 miles of seacoast, with an infinite number of ports and harbors and small inlets, from some of which unlawful expeditions may suddenly set forth, without the knowledge of Government, against the possessions of foreign states.

"Friendly relations with all, but entangling alliances with none," has long been a maxim with us. Our true mission is not to propagate our opinions or impose upon other countries our form of government by arti-

fice or force, but to teach by example and show by our success, moderation, and justice the blessings of self-government and the advantages of free institutions. Let every people choose for itself and make and alter its political institutions to suit its own condition and convenience. But while we avow and maintain this neutral policy ourselves, we are anxious to see the same forbearance on the part of other nations whose forms of government are different from our own. The deep interest which we feel in the spread of liberal principles and the establishment of free governments and the sympathy with which we witness every struggle against oppression forbid that we should be indifferent to a case in which the strong arm of a foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country.

The Governments of Great Britain and France have issued orders to their naval commanders on the West India station to prevent, by force if necessary, the landing of adventurers from any nation on the island of Cuba with hostile intent. The copy of a memorandum of a conversation on this subject between the chargé d'affaires of Her Britannic Majesty and the Acting Secretary of State and of a subsequent note of the former to the Department of State are herewith submitted, together with a copy of a note of the Acting Secretary of State to the minister of the French Republic and of the reply of the latter on the same subject. These papers will acquaint you with the grounds of this interposition of two leading commercial powers of Europe, and with the apprehensions, which this Government could not fail to entertain, that such interposition, if carried into effect, might lead to abuses in derogation of the maritime rights of the United States. The maritime rights of the United States are founded on a firm, secure, and well-defined basis; they stand upon the ground of national independence and public law, and will be maintained in all their full and just extent. The principle which this Government has heretofore solemnly announced it still adheres to, and will maintain under all circumstances and at all hazards. That principle is that in every regularly documented merchant vessel the crew who navigate it and those on board of it will find their protection in the flag which is over them. No American ship can be allowed to be visited or searched for the purpose of ascertaining the character of individuals on board, nor can there be allowed any watch by the vessels of any foreign nation over American vessels on the coast of the United States or the seas adjacent thereto. It will be seen by the last communication from the British chargé d'affaires to the Department of State that he is authorized to assure the Secretary of State that every care will be taken that in executing the preventive measures against the expeditions which the United States Government itself has denounced as not being entitled to the protection of any government no interference shall take place with the lawful commerce of any nation.

In addition to the correspondence on this subject herewith submitted,

official information has been received at the Department of State of assurances by the French Government that in the orders given to the French naval forces they were expressly instructed, in any operations they might engage in, to respect the flag of the United States wherever it might appear, and to commit no act of hostility upon any vessel or armament under its protection.

Ministers and consuls of foreign nations are the means and agents of communication between us and those nations, and it is of the utmost importance that while residing in the country they should feel a perfect security so long as they faithfully discharge their respective duties and are guilty of no violation of our laws. This is the admitted law of nations and no country has a deeper interest in maintaining it than the United States. Our commerce spreads over every sea and visits every clime, and our ministers and consuls are appointed to protect the interests of that commerce as well as to guard the peace of the country and maintain the honor of its flag. But how can they discharge these duties unless they be themselves protected? And if protected it must be by the laws of the country in which they reside. And what is due to our own public functionaries residing in foreign nations is exactly the measure of what is due to the functionaries of other governments residing here. As in war the bearers of flags of truce are sacred, or else wars would be interminable, so in peace ambassadors, public ministers, and consuls, charged with friendly national intercourse, are objects of especial respect and protection, each according to the rights belonging to his rank and station. In view of these important principles, it is with deep mortification and regret I announce to you that during the excitement growing out of the executions at Havana the office of Her Catholic Majesty's consul at New Orleans was assailed by a mob, his property destroyed, the Spanish flag found in the office carried off and torn in pieces, and he himself induced to flee for his personal safety, which he supposed to be in danger. On receiving intelligence of these events I forthwith directed the attorney of the United States residing at New Orleans to inquire into the facts and the extent of the pecuniary loss sustained by the consul, with the intention of laying them before you, that you might make provision for such indemnity to him as a just regard for the honor of the nation and the respect which is due to a friendly power might, in your judgment, seem to require. The correspondence upon this subject between the Secretary of State and Her Catholic Majesty's minister plenipotentiary is herewith transmitted.

The occurrence at New Orleans has led me to give my attention to the state of our laws in regard to foreign ambassadors, ministers, and consuls. I think the legislation of the country is deficient in not providing sufficiently either for the protection or the punishment of consuls. I therefore recommend the subject to the consideration of Congress.

Your attention is again invited to the question of reciprocal trade

between the United States and Canada and other British possessions near our frontier. Overtures for a convention upon this subject have been received from Her Britannic Majesty's minister plenipotentiary, but it seems to be in many respects preferable that the matter should be regulated by reciprocal legislation. Documents are laid before you showing the terms which the British Government is willing to offer and the measures which it may adopt if some arrangement upon this subject shall not be made.

From the accompanying copy of a note from the British legation at Washington and the reply of the Department of State thereto it will appear that Her Britannic Majesty's Government is desirous that a part of the boundary line between Oregon and the British possessions should be authoritatively marked out, and that an intention was expressed to apply to Congress for an appropriation to defray the expense thereof on the part of the United States. Your attention to this subject is accordingly invited and a proper appropriation recommended.

A convention for the adjustment of claims of citizens of the United States against Portugal has been concluded and the ratifications have been exchanged. The first installment of the amount to be paid by Portugal fell due on the 30th of September last and has been paid.

The President of the French Republic, according to the provisions of the convention, has been selected as arbiter in the case of the *General Armstrong*, and has signified that he accepts the trust and the high satisfaction he feels in acting as the common friend of two nations with which France is united by sentiments of sincere and lasting amity.

The Turkish Government has expressed its thanks for the kind reception given to the Sultan's agent, Amin Bey, on the occasion of his recent visit to the United States. On the 28th of February last a dispatch was addressed by the Secretary of State to Mr. Marsh, the American minister at Constantinople, instructing him to ask of the Turkish Government permission for the Hungarians then imprisoned within the dominions of the Sublime Porte to remove to this country. On the 3d of March last both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.

The instruction above referred to was complied with, and the Turkish Government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam frigate *Mississippi*, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the *Mississippi* at Gibraltar for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State he has expressed his grateful acknowledgments for the interposition of this Government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom

political events have exiled from their own homes in Europe, and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated.

It is earnestly to be hoped that the differences which have for some time past been pending between the Government of the French Republic and that of the Sandwich Islands may be peaceably and durably adjusted so as to secure the independence of those islands. Long before the events which have of late imparted so much importance to the possessions of the United States on the Pacific we acknowledged the independence of the Hawaiian Government. This Government was first in taking that step, and several of the leading powers of Europe immediately followed. We were influenced in this measure by the existing and prospective importance of the islands as a place of refuge and refreshment for our vessels engaged in the whale fishery, and by the consideration that they lie in the course of the great trade which must at no distant day be carried on between the western coast of North America and eastern Asia.

We were also influenced by a desire that those islands should not pass under the control of any other great maritime state, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations. I need not say that the importance of these considerations has been greatly enhanced by the sudden and vast development which the interests of the United States have attained in California and Oregon, and the policy heretofore adopted in regard to those islands will be steadily pursued.

It is gratifying, not only to those who consider the commercial interests of nations, but also to all who favor the progress of knowledge and the diffusion of religion, to see a community emerge from a savage state and attain such a degree of civilization in those distant seas.

It is much to be deplored that the internal tranquillity of the Mexican Republic should again be seriously disturbed, for since the peace between that Republic and the United States it had enjoyed such comparative repose that the most favorable anticipations for the future might with a degree of confidence have been indulged. These, however, have been thwarted by the recent outbreak in the State of Tamaulipas, on the right bank of the Rio Bravo. Having received information that persons from the United States had taken part in the insurrection, and apprehending that their example might be followed by others, I caused orders to be issued for the purpose of preventing any hostile expeditions against Mexico from being set on foot in violation of the laws of the United States. I likewise issued a proclamation upon the subject, a copy of which is herewith laid before you. This appeared to be rendered imperative by the obligations of treaties and the general duties of good neighborhood.

In my last annual message I informed Congress that citizens of the

United States had undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehuantepec, under a grant of the Mexican Government to a citizen of that Republic, and that this enterprise would probably be prosecuted with energy whenever Mexico should consent to such stipulations with the Government of the United States as should impart a feeling of security to those who should invest their property in the enterprise.

A convention between the two Governments for the accomplishment of that end has been ratified by this Government, and only awaits the decision of the Congress and the Executive of that Republic.

Some unexpected difficulties and delays have arisen in the ratification of that convention by Mexico, but it is to be presumed that her decision will be governed by just and enlightened views, as well of the general importance of the object as of her own interests and obligations.

In negotiating upon this important subject this Government has had in view one, and only one, object. That object has been, and is, the construction or attainment of a passage from ocean to ocean, the shortest and the best for travelers and merchandise, and equally open to all the world. It has sought to obtain no territorial acquisition, nor any advantages peculiar to itself; and it would see with the greatest regret that Mexico should oppose any obstacle to the accomplishment of an enterprise which promises so much convenience to the whole commercial world and such eminent advantages to Mexico herself. Impressed with these sentiments and these convictions, the Government will continue to exert all proper efforts to bring about the necessary arrangement with the Republic of Mexico for the speedy completion of the work.

For some months past the Republic of Nicaragua has been the theater of one of those civil convulsions from which the cause of free institutions and the general prosperity and social progress of the States of Central America have so often and so severely suffered. Until quiet shall have been restored and a government apparently stable shall have been organized, no advance can prudently be made in disposing of the questions pending between the two countries.

I am happy to announce that an interoceanic communication from the mouth of the St. John to the Pacific has been so far accomplished as that passengers have actually traversed it and merchandise has been transported over it, and when the canal shall have been completed according to the original plan the means of communication will be further improved. It is understood that a considerable part of the railroad across the Isthmus of Panama has been completed, and that the mail and passengers will in future be conveyed thereon.

Whichever of the several routes between the two oceans may ultimately prove most eligible for travelers to and from the different States on the Atlantic and Gulf of Mexico and our coast on the Pacific, there is little reason to doubt that all of them will be useful to the public, and

will liberally reward that individual enterprise by which alone they have been or are expected to be carried into effect.

Peace has been concluded between the contending parties in the island of St. Domingo, and, it is hoped, upon a durable basis. Such is the extent of our commercial relations with that island that the United States can not fail to feel a strong interest in its tranquillity.

The office of commissioner to China remains unfilled. Several persons have been appointed, and the place has been offered to others, all of whom have declined its acceptance on the ground of the inadequacy of the compensation. The annual allowance by law is $6,000, and there is no provision for any outfit. I earnestly recommend the consideration of this subject to Congress. Our commerce with China is highly important, and is becoming more and more so in consequence of the increasing intercourse between our ports on the Pacific Coast and eastern Asia. China is understood to be a country in which living is very expensive, and I know of no reason why the American commissioner sent thither should not be placed, in regard to compensation, on an equal footing with ministers who represent this country at the Courts of Europe.

By reference to the report of the Secretary of the Treasury it will be seen that the aggregate receipts for the last fiscal year amounted to $52,312,979.87, which, with the balance in the Treasury on the 1st July, 1850, gave as the available means for the year the sum of $58,917,524.36.

The total expenditures for the same period were $48,005,878.68. The total imports for the year ending June 30, 1851, were $215,725,995, of which there were in specie $4,967,901. The exports for the same period were $217,517,130, of which there were of domestic products $178,546,555; foreign goods reexported, $9,738,695; specie, $29,231,880.

Since the 1st of December last the payments in cash on account of the public debt, exclusive of interest, have amounted to $7,501,456.56, which, however, includes the sum of $3,242,400, paid under the twelfth article of the treaty with Mexico, and the further sum of $2,591,213.45, being the amount of awards to American citizens under the late treaty with Mexico, for which the issue of stock was authorized, but which was paid in cash from the Treasury.

The public debt on the 20th ultimo, exclusive of the stock authorized to be issued to Texas by the act of 9th September, 1850, was $62,560,395.26.

The receipts for the next fiscal year are estimated at $51,800,000, which, with the probable unappropriated balance in the Treasury on the 30th June next, will give as the probable available means for that year the sum of $63,258,743.09.

It has been deemed proper, in view of the large expenditures consequent upon the acquisition of territory from Mexico, that the estimates for the next fiscal year should be laid before Congress in such manner as

to distinguish the expenditures so required from the otherwise ordinary demands upon the Treasury.

The total expenditures for the next fiscal year are estimated at $42,892,299.19, of which there is required for the ordinary purposes of the Government, other than those consequent upon the acquisition of our new territories, and deducting the payments on account of the public debt, the sum of $33,343,198.08, and for the purposes connected, directly or indirectly, with those territories and in the fulfillment of the obligations of the Government contracted in consequence of their acquisition the sum of $9,549,101.11.

If the views of the Secretary of the Treasury in reference to the expenditures required for these territories shall be met by corresponding action on the part of Congress, and appropriations made in accordance therewith, there will be an estimated unappropriated balance in the Treasury on the 30th June, 1853, of $20,366,443.90 wherewith to meet that portion of the public debt due on the 1st of July following, amounting to $6,237,931.35, as well as any appropriations which may be made beyond the estimates.

In thus referring to the estimated expenditures on account of our newly acquired territories, I may express the hope that Congress will concur with me in the desire that a liberal course of policy may be pursued toward them, and that every obligation, express or implied, entered into in consequence of their acquisition shall be fulfilled by the most liberal appropriations for that purpose.

The values of our domestic exports for the last fiscal year, as compared with those of the previous year, exhibit an increase of $43,646,322. At first view this condition of our trade with foreign nations would seem to present the most flattering hopes of its future prosperity. An examination of the details of our exports, however, will show that the increased value of our exports for the last fiscal year is to be found in the high price of cotton which prevailed during the first half of that year, which price has since declined about one-half.

The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have greatly augmented, has fallen from $68,701,921 in 1847 to $26,051,373 in 1850 and to $21,948,653 in 1851, with a strong probability, amounting almost to a certainty, of a still further reduction in the current year.

The aggregate values of rice exported during the last fiscal year, as compared with the previous year, also exhibit a decrease, amounting to $460,917, which, with a decline in the values of the exports of tobacco for the same period, make an aggregate decrease in these two articles of $1,156,751.

The policy which dictated a low rate of duties on foreign merchandise, it was thought by those who promoted and established it, would tend to

benefit the farming population of this country by increasing the demand and raising the price of agricultural products in foreign markets.

The foregoing facts, however, seem to show incontestably that no such result has followed the adoption of this policy. On the contrary, notwithstanding the repeal of the restrictive corn laws in England, the foreign demand for the products of the American farmer has steadily declined, since the short crops and consequent famine in a portion of Europe have been happily replaced by full crops and comparative abundance of food.

It will be seen by recurring to the commercial statistics for the past year that the value of our domestic exports has been increased in the single item of raw cotton by $40,000,000 over the value of that export for the year preceding. This is not due to any increased general demand for that article, but to the short crop of the preceding year, which created an increased demand and an augmented price for the crop of last year. Should the cotton crop now going forward to market be only equal in quantity to that of the year preceding and be sold at the present prices, then there would be a falling off in the value of our exports for the present fiscal year of at least $40,000,000 compared with the amount exported for the year ending 30th June, 1851.

The production of gold in California for the past year seems to promise a large supply of that metal from that quarter for some time to come. This large annual increase of the currency of the world must be attended with its usual results. These have been already partially disclosed in the enhancement of prices and a rising spirit of speculation and adventure, tending to overtrading, as well at home as abroad. Unless some salutary check shall be given to these tendencies it is to be feared that importations of foreign goods beyond a healthy demand in this country will lead to a sudden drain of the precious metals from us, bringing with it, as it has done in former times, the most disastrous consequences to the business and capital of the American people.

The exports of specie to liquidate our foreign debt during the past fiscal year have been $24,263,979 over the amount of specie imported. The exports of specie during the first quarter of the present fiscal year have been $14,651,827. Should specie continue to be exported at this rate for the remaining three quarters of this year, it will drain from our metallic currency during the year ending 30th June, 1852, the enormous amount of $58,607,308.

In the present prosperous condition of the national finances it will become the duty of Congress to consider the best mode of paying off the public debt. If the present and anticipated surplus in the Treasury should not be absorbed by appropriations of an extraordinary character, this surplus should be employed in such way and under such restrictions as Congress may enact in extinguishing the outstanding debt of the nation.

By reference to the act of Congress approved 9th September, 1850, it will be seen that, in consideration of certain concessions by the State of Texas, it is provided that—

> The United States shall pay to the State of Texas the sum of $10,000,000 in a stock bearing 5 per cent interest and redeemable at the end of fourteen years, the interest payable half-yearly at the Treasury of the United States.

In the same section of the law it is further provided—

> That no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas, *for which duties on imports were specially* pledged, shall first file at the Treasury of the United States releases of all claims against the United States for or on account of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury and approved by the President of the United States.

The form of release thus provided for has been prescribed by the Secretary of the Treasury and approved. It has been published in all the leading newspapers in the commercial cities of the United States, and all persons holding claims of the kind specified in the foregoing proviso were required to file their releases (in the form thus prescribed) in the Treasury of the United States on or before the 1st day of October, 1851. Although this publication has been continued from the 25th day of March, 1851, yet up to the 1st of October last comparatively few releases had been filed by the creditors of Texas.

The authorities of the State of Texas, at the request of the Secretary of the Treasury, have furnished a schedule of the public debt of that State created prior to her admission into the Union, with a copy of the laws under which each class was contracted.

I have, from the documents furnished by the State of Texas, determined the classes of claims which in my judgment fall within the provisions of the act of Congress of the 9th of September, 1850.

On being officially informed of the acceptance by Texas of the propositions contained in the act referred to I caused the stock to be prepared, and the five millions which are to be issued unconditionally, bearing an interest of 5 per cent from the 1st day of January, 1851, have been for some time ready to be delivered to the State of Texas. The authorities of Texas up to the present time have not authorized anyone to receive this stock, and it remains in the Treasury Department subject to the order of Texas.

The releases required by law to be deposited in the Treasury not having been filed there, the remaining five millions have not been issued. This last amount of the stock will be withheld from Texas until the conditions upon which it is to be delivered shall be complied with by the creditors of that State, unless Congress shall otherwise direct by a modification of the law.

In my last annual message, to which I respectfully refer, I stated briefly the reasons which induced me to recommend a modification of

the present tariff by converting the *ad valorem* into a specific duty wherever the article imported was of such a character as to permit it, and that such a discrimination should be made in favor of the industrial pursuits of our own country as to encourage home production without excluding foreign competition.

The numerous frauds which continue to be practiced upon the revenue by false invoices and undervaluations constitute an unanswerable reason for adopting specific instead of *ad valorem* duties in all cases where the nature of the commodity does not forbid it. A striking illustration of these frauds will be exhibited in the report of the Secretary of the Treasury, showing the custom-house valuation of articles imported under a former law, subject to specific duties, when there was no inducement to undervaluation, and the custom-house valuations of the same articles under the present system of *ad valorem* duties, so greatly reduced as to leave no doubt of the existence of the most flagrant abuses under the existing laws. This practical evasion of the present law, combined with the languishing condition of some of the great interests of the country, caused by overimportations and consequent depressed prices, and with the failure in obtaining a foreign market for our increasing surplus of breadstuffs and provisions, has induced me again to recommend a modification of the existing tariff.

The report of the Secretary of the Interior, which accompanies this communication, will present a condensed statement of the operations of that important Department of the Government.

It will be seen that the cash sales of the public lands exceed those of the preceding year, and that there is reason to anticipate a still further increase, notwithstanding the large donations which have been made to many of the States and the liberal grants to individuals as a reward for military services. This fact furnishes very gratifying evidence of the growing wealth and prosperity of our country.

Suitable measures have been adopted for commencing the survey of the public lands in California and Oregon. Surveying parties have been organized and some progress has been made in establishing the principal base and meridian lines. But further legislation and additional appropriations will be necessary before the proper subdivisions can be made and the general land system extended over those remote parts of our territory.

On the 3d of March last an act was passed providing for the appointment of three commissioners to settle private land claims in California. Three persons were immediately appointed, all of whom, however, declined accepting the office in consequence of the inadequacy of the compensation. Others were promptly selected, who for the same reason also declined, and it was not until late in the season that the services of suitable persons could be secured. A majority of the commissioners convened in this city on the 10th of September last, when detailed instructions were given to them in regard to their duties. Their first meeting

for the transaction of business will be held in San Francisco on the 8th day of the present month.

I have thought it proper to refer to these facts, not only to explain the causes of the delay in filling the commission, but to call your attention to the propriety of increasing the compensation of the commissioners. The office is one of great labor and responsibility, and the compensation should be such as to command men of a high order of talents and the most unquestionable integrity.

The proper disposal of the mineral lands of California is a subject surrounded by great difficulties. In my last annual message I recommended the survey and sale of them in small parcels under such restrictions as would effectually guard against monopoly and speculation; but upon further information, and in deference to the opinions of persons familiar with the subject, I am inclined to change that recommendation and to advise that they be permitted to remain as at present, a common field, open to the enterprise and industry of all our citizens, until further experience shall have developed the best policy to be ultimately adopted in regard to them. It is safer to suffer the inconveniences that now exist for a short period than by premature legislation to fasten on the country a system founded in error, which may place the whole subject beyond the future control of Congress.

The agricultural lands should, however, be surveyed and brought into market with as little delay as possible, that the titles may become settled and the inhabitants stimulated to make permanent improvements and enter on the ordinary pursuits of life. To effect these objects it is desirable that the necessary provision be made by law for the establishment of land offices in California and Oregon and for the efficient prosecution of the surveys at an early day.

Some difficulties have occurred in organizing the Territorial governments of New Mexico and Utah, and when more accurate information shall be obtained of the causes a further communication will be made on that subject.

In my last annual communication to Congress I recommended the establishment of an agricultural bureau, and I take this occasion again to invoke your favorable consideration of the subject.

Agriculture may justly be regarded as the great interest of our people. Four-fifths of our active population are employed in the cultivation of the soil, and the rapid expansion of our settlements over new territory is daily adding to the number of those engaged in that vocation. Justice and sound policy, therefore, alike require that the Government should use all the means authorized by the Constitution to promote the interests and welfare of that important class of our fellow-citizens. And yet it is a singular fact that whilst the manufacturing and commercial interests have engaged the attention of Congress during a large portion of every session and our statutes abound in provisions for their protection and

encouragement, little has yet been done directly for the advancement of agriculture. It is time that this reproach to our legislation should be removed, and I sincerely hope that the present Congress will not close their labors without adopting efficient means to supply the omissions of those who have preceded them.

An agricultural bureau, charged with the duty of collecting and disseminating correct information as to the best modes of cultivation and of the most effectual means of preserving and restoring the fertility of the soil and of procuring and distributing seeds and plants and other vegetable productions, with instructions in regard to the soil, climate, and treatment best adapted to their growth, could not fail to be, in the language of Washington in his last annual message to Congress, a "very cheap instrument of immense national benefit."

Regarding the act of Congress approved 28th September, 1850, granting bounty lands to persons who had been engaged in the military service of the country, as a great measure of national justice and munificence, an anxious desire has been felt by the officers intrusted with its immediate execution to give prompt effect to its provisions. All the means within their control were therefore brought into requisition to expedite the adjudication of claims, and I am gratified to be able to state that near 100,000 applications have been considered and about 70,000 warrants issued within the short space of nine months. If adequate provision be made by law to carry into effect the recommendations of the Department, it is confidently expected that before the close of the next fiscal year all who are entitled to the benefits of the act will have received their warrants.

The Secretary of the Interior has suggested in his report various amendments of the laws relating to pensions and bounty lands for the purpose of more effectually guarding against abuses and frauds on the Government, to all of which I invite your particular attention.

The large accessions to our Indian population consequent upon the acquisition of New Mexico and California and the extension of our settlements into Utah and Oregon have given increased interest and importance to our relations with the aboriginal race.

No material change has taken place within the last year in the condition and prospects of the Indian tribes who reside in the Northwestern Territory and west of the Mississippi River. We are at peace with all of them, and it will be a source of pleasure to you to learn that they are gradually advancing in civilization and the pursuits of social life.

Along the Mexican frontier and in California and Oregon there have been occasional manifestations of unfriendly feeling and some depredations committed. I am satisfied, however, that they resulted more from the destitute and starving condition of the Indians than from any settled hostility toward the whites. As the settlements of our citizens progress toward them, the game, upon which they mainly rely for subsistence, is

driven off or destroyed, and the only alternative left to them is starvation or plunder. It becomes us to consider, in view of this condition of things, whether justice and humanity, as well as an enlightened economy, do not require that instead of seeking to punish them for offenses which are the result of our own policy toward them we should not provide for their immediate wants and encourage them to engage in agriculture and to rely on their labor instead of the chase for the means of support.

Various important treaties have been negotiated with different tribes during the year, by which their title to large and valuable tracts of country has been extinguished, all of which will at the proper time be submitted to the Senate for ratification.

The joint commission under the treaty of Guadalupe Hidalgo has been actively engaged in running and marking the boundary line between the United States and Mexico. It was stated in the last annual report of the Secretary of the Interior that the initial point on the Pacific and the point of junction of the Gila with the Colorado River had been determined and the intervening line, about 150 miles in length, run and marked by temporary monuments. Since that time a monument of marble has been erected at the initial point, and permanent landmarks of iron have been placed at suitable distances along the line.

The initial point on the Rio Grande has also been fixed by the commissioners, at latitude 32° 22′, and at the date of the last communication the survey of the line had been made thence westward about 150 miles to the neighborhood of the copper mines.

The commission on our part was at first organized on a scale which experience proved to be unwieldy and attended with unnecessary expense. Orders have therefore been issued for the reduction of the number of persons employed within the smallest limits consistent with the safety of those engaged in the service and the prompt and efficient execution of their important duties.

Returns have been received from all the officers engaged in taking the census in the States and Territories except California. The superintendent employed to make the enumeration in that State has not yet made his full report, from causes, as he alleges, beyond his control. This failure is much to be regretted, as it has prevented the Secretary of the Interior from making the decennial apportionment of Representatives among the States, as required by the act approved May 23, 1850. It is hoped, however, that the returns will soon be received, and no time will then be lost in making the necessary apportionment and in transmitting the certificates required by law.

The Superintendent of the Seventh Census is diligently employed, under the direction of the Secretary of the Interior, in classifying and arranging in tabular form all the statistical information derived from the returns of the marshals, and it is believed that when the work shall be completed it will exhibit a more perfect view of the population, wealth,

occupations, and social condition of a great country than has ever been presented to the world. The value of such a work as the basis of enlightened legislation can hardly be overestimated, and I earnestly hope that Congress will lose no time in making the appropriations necessary to complete the classifications and to publish the results in a style worthy of the subject and of our national character.

The want of a uniform fee bill, prescribing the compensation to be allowed district attorneys, clerks, marshals, and commissioners in civil and criminal cases, is the cause of much vexation, injustice, and complaint. I would recommend a thorough revision of the laws on the whole subject and the adoption of a tariff of fees which, as far as practicable, should be uniform, and prescribe a specific compensation for every service which the officer may be required to perform. This subject will be fully presented in the report of the Secretary of the Interior.

In my last annual message I gave briefly my reasons for believing that you possessed the constitutional power to improve the harbors of our Great Lakes and seacoast and the navigation of our principal rivers, and recommended that appropriations should be made for completing such works as had already been commenced and for commencing such others as might seem to the wisdom of Congress to be of public and general importance. Without repeating the reasons then urged, I deem it my duty again to call your attention to this important subject. The works on many of the harbors were left in an unfinished state, and consequently exposed to the action of the elements, which is fast destroying them. Great numbers of lives and vast amounts of property are annually lost for want of safe and convenient harbors on the Lakes. None but those who have been exposed to that dangerous navigation can fully appreciate the importance of this subject. The whole Northwest appeals to you for relief, and I trust their appeal will receive due consideration at your hands.

The same is in a measure true in regard to some of the harbors and inlets on the seacoast.

The unobstructed navigation of our large rivers is of equal importance. Our settlements are now extending to the sources of the great rivers which empty into and form a part of the Mississippi, and the value of the public lands in those regions would be greatly enhanced by freeing the navigation of those waters from obstructions. In view, therefore, of this great interest, I deem it my duty again to urge upon Congress to make such appropriations for these improvements as they may deem necessary.

The surveys of the Delta of the Mississippi, with a view to the prevention of the overflows that have proved so disastrous to that region of country, have been nearly completed, and the reports thereof are now in course of preparation and will shortly be laid before you.

The protection of our southwestern frontier and of the adjacent Mex-

ican States against the Indian tribes within our border has claimed my earnest and constant attention. Congress having failed at the last session to adopt my recommendation that an additional regiment of mounted men specially adapted to that service should be raised, all that remained to be done was to make the best use of the means at my disposal. Accordingly, all the troops adapted to that service that could properly be spared from other quarters have been concentrated on that frontier and officers of high reputation selected to command them. A new arrangement of the military posts has also been made, whereby the troops are brought nearer to the Mexican frontier and to the tribes they are intended to overawe.

Sufficient time has not yet elapsed to realize all the benefits that are expected to result from these arrangements, but I have every reason to hope that they will effectually check their marauding expeditions. The nature of the country, which furnishes little for the support of an army and abounds in places of refuge and concealment, is remarkably well adapted to this predatory warfare, and we can scarcely hope that any military force, combined with the greatest vigilance, can entirely suppress it.

By the treaty of Guadalupe Hidalgo we are bound to protect the territory of Mexico against the incursions of the savage tribes within our border "with equal diligence and energy" as if the same were made within our territory or against our citizens. I have endeavored to comply as far as possible with this provision of the treaty. Orders have been given to the officers commanding on that frontier to consider the Mexican territory and its inhabitants as equally with our own entitled to their protection, and to make all their plans and arrangements with a view to the attainment of this object. Instructions have also been given to the Indian commissioners and agents among these tribes in all treaties to make the clauses designed for the protection of our own citizens apply also to those of Mexico. I have no reason to doubt that these instructions have been fully carried into effect; nevertheless, it is probable that in spite of all our efforts some of the neighboring States of Mexico may have suffered, as our own have, from depredations by the Indians.

To the difficulties of defending our own territory, as above mentioned, are superadded, in defending that of Mexico, those that arise from its remoteness, from the fact that we have no right to station our troops within her limits and that there is no efficient military force on the Mexican side to cooperate with our own. So long as this shall continue to be the case the number and activity of our troops will rather increase than diminish the evil, as the Indians will naturally turn toward that country where they encounter the least resistance. Yet these troops are necessary to subdue them and to compel them to make and observe treaties. Until this shall have been done neither country will enjoy any security from their attacks.

The Indians in California, who had previously appeared of a peaceable character and disposed to cultivate the friendship of the whites, have recently committed several acts of hostility. As a large portion of the reenforcements sent to the Mexican frontier were drawn from the Pacific, the military force now stationed there is considered entirely inadequate to its defense. It can not be increased, however, without an increase of the Army, and I again recommend that measure as indispensable to the protection of the frontier.

I invite your attention to the suggestions on this subject and on others connected with his Department in the report of the Secretary of War.

The appropriations for the support of the Army during the current fiscal year ending 30th June next were reduced far below the estimate submitted by the Department. The consequence of this reduction is a considerable deficiency, to which I invite your early attention.

The expenditures of that Department for the year ending 30th June last were $9,060,268.58. The estimates for the year commencing 1st July next and ending June 30, 1853, are $7,898,775.83, showing a reduction of $1,161,492.75.

The board of commissioners to whom the management of the affairs of the military asylum created by the act of 3d March last was intrusted have selected a site for the establishment of an asylum in the vicinity of this city, which has been approved by me subject to the production of a satisfactory title.

The report of the Secretary of the Navy will exhibit the condition of the public service under the supervision of that Department. Our naval force afloat during the present year has been actively and usefully employed in giving protection to our widely extended and increasing commerce and interests in the various quarters of the globe, and our flag has everywhere afforded the security and received the respect inspired by the justice and liberality of our intercourse and the dignity and power of the nation.

The expedition commanded by Lieutenant De Haven, dispatched in search of the British commander Sir John Franklin and his companions in the Arctic Seas, returned to New York in the month of October, after having undergone great peril and suffering from an unknown and dangerous navigation and the rigors of a northern climate, without any satisfactory information of the objects of their search, but with new contributions to science and navigation from the unfrequented polar regions. The officers and men of the expedition having been all volunteers for this service and having so conducted it as to meet the entire approbation of the Government, it is suggested, as an act of grace and generosity, that the same allowance of extra pay and emoluments be extended to them that were made to the officers and men of like rating in the late exploring expedition to the South Seas.

I earnestly recommend to your attention the necessity of reorganizing the naval establishment, apportioning and fixing the number of officers in each grade, providing some mode of promotion to the higher grades of the Navy having reference to merit and capacity rather than seniority or date of entry into the service, and for retiring from the effective list upon reduced pay those who may be incompetent to the performance of active duty. As a measure of economy, as well as of efficiency, in this arm of the service, the provision last mentioned is eminently worthy of your consideration.

The determination of the questions of relative rank between the sea officers and civil officers of the Navy, and between officers of the Army and Navy, in the various grades of each, will also merit your attention. The failure to provide any substitute when corporal punishment was abolished for offenses in the Navy has occasioned the convening of numerous courts-martial upon the arrival of vessels in port, and is believed to have had an injurious effect upon the discipline and efficiency of the service. To moderate punishment from one grade to another is among the humane reforms of the age, but to abolish one of severity, which applied so generally to offenses on shipboard, and provide nothing in its stead is to suppose a progress of improvement in every individual among seamen which is not assumed by the Legislature in respect to any other class of men. It is hoped that Congress, in the ample opportunity afforded by the present session, will thoroughly investigate this important subject, and establish such modes of determining guilt and such gradations of punishment as are consistent with humanity and the personal rights of individuals, and at the same time shall insure the most energetic and efficient performance of duty and the suppression of crime in our ships of war.

The stone dock in the navy-yard at New York, which was ten years in process of construction, has been so far finished as to be surrendered up to the authorities of the yard. The dry dock at Philadelphia is reported as completed, and is expected soon to be tested and delivered over to the agents of the Government. That at Portsmouth, N. H., is also nearly ready for delivery; and a contract has been concluded, agreeably to the act of Congress at its last session, for a floating sectional dock on the Bay of San Francisco. I invite your attention to the recommendation of the Department touching the establishment of a navy-yard in conjunction with this dock on the Pacific. Such a station is highly necessary to the convenience and effectiveness of our fleet in that ocean, which must be expected to increase with the growth of commerce and the rapid extension of our whale fisheries over its waters.

The Naval Academy at Annapolis, under a revised and improved system of regulations, now affords opportunities of education and instruction to the pupils quite equal, it is believed, for professional improvement, to those enjoyed by the cadets in the Military Academy. A large class of

acting midshipmen was received at the commencement of the last academic term, and a practice ship has been attached to the institution to afford the amplest means for regular instruction in seamanship, as well as for cruises during the vacations of three or four months in each year.

The advantages of science in nautical affairs have rarely been more strikingly illustrated than in the fact, stated in the report of the Navy Department, that by means of the wind and current charts projected and prepared by Lieutenant Maury, the Superintendent of the Naval Observatory, the passage from the Atlantic to the Pacific ports of our country has been shortened by about forty days.

The estimates for the support of the Navy and Marine Corps the ensuing fiscal year will be found to be $5,856,472.19, the estimates for the current year being $5,900,621.

The estimates for special objects under the control of this Department amount to $2,684,220.89, against $2,210,980 for the present year, the increase being occasioned by the additional mail service on the Pacific Coast and the construction of the dock in California, authorized at the last session of Congress, and some slight additions under the head of improvements and repairs in navy-yards, buildings, and machinery.

I deem it of much importance to a just economy and a correct understanding of naval expenditures that there should be an entire separation of the appropriations for the support of the naval service proper from those for permanent improvements at navy-yards and stations and from ocean steam mail service and other special objects assigned to the supervision of this Department.

The report of the Postmaster-General, herewith communicated, presents an interesting view of the progress, operations, and condition of his Department.

At the close of the last fiscal year the length of mail routes within the United States was 196,290 miles, the annual transportation thereon 53,272,252 miles, and the annual cost of such transportation $3,421,754.

The length of the foreign mail routes is estimated at 18,349 miles and the annual transportation thereon at 615,206 miles. The annual cost of this service is $1,472,187, of which $448,937 are paid by the Post-Office Department and $1,023,250 are paid through the Navy Department.

The annual transportation within the United States, excluding the service in California and Oregon, which is now for the first time reported and embraced in the tabular statements of the Department, exceeds that of the preceding year 6,162,855 miles, at an increased cost of $547,110.

The whole number of post-offices in the United States on the 30th day of June last was 19,796. There were 1,698 post-offices established and 256 discontinued during the year.

The gross revenues of the Department for the fiscal year, including the appropriations for the franked matter of Congress, of the Departments, and officers of Government, and excluding the foreign postages

EARLY ATTEMPTS AT AN ISTHMIAN CANAL

EARLY ATTEMPTS AT A PANAMA CANAL

It seems strange to credit the project of a canal across the Isthmus of Darien, connecting the Atlantic with the Pacific, to a Spaniard, but according to the account in the Encyclopedic Index, entitled "Panama Canal," the idea was first broached in 1527 by de la Serna, who even surveyed a route from Chagres to Panama.

The illustration shows the Selfridge expedition of 1870 making surveys.

collected for and payable to the British post-office, amounted to $6,727,866.78.

The expenditures for the same period, excluding $20,599.49, paid under an award of the Auditor, in pursuance of a resolution of the last Congress, for mail service on the Ohio and Mississippi rivers in 1832 and 1833, and the amount paid to the British post-office for foreign postages collected for and payable to that office, amounted to $6,024,566.79, leaving a balance of revenue over the proper expenditures of the year of $703,299.99.

The receipts for postages during the year, excluding the foreign postages collected for and payable to the British post-office, amounted to $6,345,747.21, being an increase of $997,610.79, or 18.65 per cent, over the like receipts for the preceding year.

The reduction of postage under the act of March last did not take effect until the commencement of the present fiscal year. The accounts for the first quarter under the operation of the reduced rates will not be settled before January next, and no reliable estimate of the receipts for the present year can yet be made. It is believed, however, that they will fall far short of those of the last year. The surplus of the revenues now on hand is, however, so large that no further appropriation from the Treasury in aid of the revenues of the Department is required for the current fiscal year, but an additional appropriation for the year ending June 30, 1853, will probably be found necessary when the receipts of the first two quarters of the fiscal year are fully ascertained.

In his last annual report the Postmaster-General recommended a reduction of postage to rates which he deemed as low as could be prudently adopted unless Congress was prepared to appropriate from the Treasury for the support of the Department a sum more than equivalent to the mail services performed by it for the Government. The recommendations of the Postmaster-General in respect to letter postage, except on letters from and to California and Oregon, were substantially adopted by the last Congress. He now recommends adherence to the present letter rates and advises against a further reduction until justified by the revenue of the Department.

He also recommends that the rates of postage on printed matter be so revised as to render them more simple and more uniform in their operation upon all classes of printed matter. I submit the recommendations of the report to your favorable consideration.

The public statutes of the United States have now been accumulating for more than sixty years, and, interspersed with private acts, are scattered through numerous volumes, and, from the cost of the whole, have become almost inaccessible to the great mass of the community. They also exhibit much of the incongruity and imperfection of hasty legislation. As it seems to be generally conceded that there is no "common law" of the United States to supply the defects of their legislation, it

is most important that that legislation should be as perfect as possible, defining every power intended to be conferred, every crime intended to be made punishable, and prescribing the punishment to be inflicted. In addition to some particular cases spoken of more at length, the whole criminal code is now lamentably defective. Some offenses are imperfectly described and others are entirely omitted, so that flagrant crimes may be committed with impunity. The scale of punishment is not in all cases graduated according to the degree and nature of the offense, and is often rendered more unequal by the different modes of imprisonment or penitentiary confinement in the different States.

Many laws of a permanent character have been introduced into appropriation bills, and it is often difficult to determine whether the particular clause expires with the temporary act of which it is a part or continues in force. It has also frequently happened that enactments and provisions of law have been introduced into bills with the title or general subject of which they have little or no connection or relation. In this mode of legislation so many enactments have been heaped upon each other, and often with but little consideration, that in many instances it is difficult to search out and determine what is the law.

The Government of the United States is emphatically a government of written laws. The statutes should therefore, as far as practicable, not only be made accessible to all, but be expressed in language so plain and simple as to be understood by all and arranged in such method as to give perspicuity to every subject. Many of the States have revised their public acts with great and manifest benefit, and I recommend that provision be made by law for the appointment of a commission to revise the public statutes of the United States, arranging them in order, supplying deficiencies, correcting incongruities, simplifying their language, and reporting them to Congress for its action.

An act of Congress approved 30th September, 1850, contained a provision for the extension of the Capitol according to such plan as might be approved by the President, and appropriated $100,000 to be expended under his direction by such architect as he should appoint to execute the same. On examining the various plans which had been submitted by different architects in pursuance of an advertisement by a committee of the Senate no one was found to be entirely satisfactory, and it was therefore deemed advisable to combine and adopt the advantages of several.

The great object to be accomplished was to make such an addition as would afford ample and convenient halls for the deliberations of the two Houses of Congress, with sufficient accommodations for spectators and suitable apartments for the committees and officers of the two branches of the Legislature. It was also desirable not to mar the harmony and beauty of the present structure, which, as a specimen of architecture, is so universally admired. Keeping these objects in view, I concluded to make the addition by wings, detached from the present building, yet

connected with it by corridors. This mode of enlargement will leave the present Capitol uninjured and afford great advantages for ventilation and the admission of light, and will enable the work to progress without interrupting the deliberations of Congress. To carry this plan into effect I have appointed an experienced and competent architect. The corner stone was laid on the 4th day of July last with suitable ceremonies, since which time the work has advanced with commendable rapidity, and the foundations of both wings are now nearly complete.

I again commend to your favorable regard the interests of the District of Columbia, and deem it only necessary to remind you that although its inhabitants have no voice in the choice of Representatives in Congress, they are not the less entitled to a just and liberal consideration in your legislation. My opinions on this subject were more fully expressed in my last annual communication.

Other subjects were brought to the attention of Congress in my last annual message, to which I would respectfully refer. But there was one of more than ordinary interest, to which I again invite your special attention. I allude to the recommendation for the appointment of a commission to settle private claims against the United States. Justice to individuals, as well as to the Government, imperatively demands that some more convenient and expeditious mode than an appeal to Congress should be adopted.

It is deeply to be regretted that in several instances officers of the Government, in attempting to execute the law for the return of fugitives from labor, have been openly resisted and their efforts frustrated and defeated by lawless and violent mobs; that in one case such resistance resulted in the death of an estimable citizen, and in others serious injury ensued to those officers and to individuals who were using their endeavors to sustain the laws. Prosecutions have been instituted against the alleged offenders so far as they could be identified, and are still pending. I have regarded it as my duty in these cases to give all aid legally in my power to the enforcement of the laws, and I shall continue to do so wherever and whenever their execution may be resisted.

The act of Congress for the return of fugitives from labor is one required and demanded by the express words of the Constitution.

The Constitution declares that—

> No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

This constitutional provision is equally obligatory upon the legislative, the executive, and judicial departments of the Government, and upon every citizen of the United States.

Congress, however, must from necessity first act upon the subject by prescribing the proceedings necessary to ascertain that the person is a

fugitive and the means to be used for his restoration to the claimant. This was done by an act passed during the first term of President Washington, which was amended by that enacted by the last Congress, and it now remains for the executive and judicial departments to take care that these laws be faithfully executed. This injunction of the Constitution is as peremptory and as binding as any other; it stands exactly on the same foundation as that clause which provides for the return of fugitives from justice, or that which declares that no bill of attainder or *ex post facto* law shall be passed, or that which provides for an equality of taxation according to the census, or the clause declaring that all duties shall be uniform throughout the United States, or the important provision that the trial of all crimes shall be by jury. These several articles and clauses of the Constitution, all resting on the same authority, must stand or fall together. Some objections have been urged against the details of the act for the return of fugitives from labor, but it is worthy of remark that the main opposition is aimed against the Constitution itself, and proceeds from persons and classes of persons many of whom declare their wish to see that Constitution overturned. They avow their hostility to any law which shall give full and practical effect to this requirement of the Constitution. Fortunately, the number of these persons is comparatively small, and is believed to be daily diminishing; but the issue which they present is one which involves the supremacy and even the existence of the Constitution.

Cases have heretofore arisen in which individuals have denied the binding authority of acts of Congress, and even States have proposed to nullify such acts upon the ground that the Constitution was the supreme law of the land, and that those acts of Congress were repugnant to that instrument; but nullification is now aimed not so much against particular laws as being inconsistent with the Constitution as against the Constitution itself, and it is not to be disguised that a spirit exists, and has been actively at work, to rend asunder this Union, which is our cherished inheritance from our Revolutionary fathers.

In my last annual message I stated that I considered the series of measures which had been adopted at the previous session in reference to the agitation growing out of the Territorial and slavery questions as a final settlement in principle and substance of the dangerous and exciting subjects which they embraced, and I recommended adherence to the adjustment established by those measures until time and experience should demonstrate the necessity of further legislation to guard against evasion or abuse. I was not induced to make this recommendation because I thought those measures perfect, for no human legislation can be perfect. Wide differences and jarring opinions can only be reconciled by yielding something on all sides, and this result had been reached after an angry conflict of many months, in which one part of the country was arrayed against another, and violent convulsion seemed to be imminent. Looking

at the interests of the whole country, I felt it to be my duty to seize upon this compromise as the best that could be obtained amid conflicting interests and to insist upon it as a final settlement, to be adhered to by all who value the peace and welfare of the country. A year has now elapsed since that recommendation was made. To that recommendation I still adhere, and I congratulate you and the country upon the general acquiescence in these measures of peace which has been exhibited in all parts of the Republic. And not only is there this general acquiescence in these measures, but the spirit of conciliation which has been manifested in regard to them in all parts of the country has removed doubts and uncertainties in the minds of thousands of good men concerning the durability of our popular institutions and given renewed assurance that our liberty and our Union may subsist together for the benefit of this and all succeeding generations.

MILLARD FILLMORE.

SPECIAL MESSAGES.

WASHINGTON, *December 12, 1851.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and the Republic of Costa Rica, signed in this city on the 10th day of July last.

MILLARD FILLMORE.

WASHINGTON, *December 15, 1851.*

To the Senate of the United States:

I transmit to the Senate a report* of the Secretary of State, in answer to their resolution of the 8th of March last.

MILLARD FILLMORE.

WASHINGTON, *December 15, 1851.*

To the Senate of the United States:

I have received a resolution of the Senate, adopted on the 12th instant, in the following terms:

Resolved, That the President of the United States be requested to communicate to the Senate, if not inconsistent with the public interest, any information the Executive may have received respecting the firing into and seizure of the American steamship *Prometheus* by a British vessel of war in November last near Greytown, on the Mosquito Coast, and also what measures have been taken by the Executive to ascertain the state of the facts and to vindicate the honor of the country.

* Relating to the free navigation of the St. Lawrence, St. John, and other large rivers, and to the free enjoyment of the British North American fisheries by United States citizens.

In answer to this request I submit to the Senate the accompanying extracts from a communication addressed to the Department of State by Mr. Joseph L. White, as counsel of the American, Atlantic and Pacific Ship Canal Company, dated 2d instant.

This communication is the principal source of the information received by the Executive in relation to the subject alluded to, and is presumed to be essentially correct in its statement of the facts. Upon receiving this communication instructions such as the occasion seemed to demand were immediately dispatched to the minister of the United States in London. Sufficient time has not elapsed for the return of any answer to this dispatch from him, and in my judgment it would at the present moment be inconsistent with the public interest to communicate those instructions. A communication, however, of all the correspondence will be made to the Senate at the earliest moment at which a proper regard to the public interest will permit.

At the same time instructions were given to Commodore Parker, commanding the Home Squadron, a copy of which, so far as they relate to the case of the *Prometheus*, is herewith transmitted to the Senate.

MILLARD FILLMORE.

WASHINGTON, *December 16, 1851.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 9th instant, requesting information in regard to the imprisonment of John S. Thrasher at Havana, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *December 16, 1851.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, requesting the communication of a dispatch* addressed to the Department of State by Mr. Niles, late chargé d'affaires of the United States at Turin, I transmit a report from the Secretary of State, which is accompanied by a copy of the dispatch.

MILLARD FILLMORE.

WASHINGTON, *December 23, 1851.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, in answer to the first part† of a resolution of the 15th Decem-

* On the subject of a ship canal between the Atlantic and Pacific oceans.

† Relating to the conclusion of a treaty between Spain, France, and Great Britain in respect to the island of Cuba.

ber, 1851, and also a report from the Secretary of the Navy, in answer to the remaining part* of the same resolution.

MILLARD FILLMORE.

WASHINGTON, *December 23, 1851.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 15th instant, requesting information in regard to the imprisonment, trial, and sentence of John S. Thrasher in the island of Cuba, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *December 29, 1851.*

To the Senate and House of Representatives:

I transmit herewith a copy of a letter of the 26th instant, addressed to the Secretary of State by the contractors for paying the next installment due to Mexico pursuant to the treaty of Guadalupe Hidalgo, representing the necessity of an immediate appropriation by Congress of the money necessary for that purpose.

MILLARD FILLMORE.

WASHINGTON, *January 2, 1852.*

To the House of Representatives:

As a further answer to the resolution of the House of Representatives of the 15th ultimo, calling for information respecting the imprisonment, trial, and sentence of John S. Thrasher in the island of Cuba, I transmit another report from the Secretary of State.

MILLARD FILLMORE.

WASHINGTON, *January 2, 1852.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a copy of the resolution adopted by the Legislative Council of Canada, together with the copy of the note by which the resolution was communicated to this Government, expressing the satisfaction of that Council at receiving intelligence of certain donations in aid of the reconstruction of the library of the Canadian Parliament.

MILLARD FILLMORE.

[The same message, dated January 6, 1852, was sent to the Senate.]

* Pertaining to the relative strength of the British, French, and United States squadrons in the West India seas, and whether additional appropriations are necessary to increase the United States force on that station.

WASHINGTON, *January 3, 1852.*

To the Senate of the United States:

I nominate Elisha Whittlesey and Elias S. Terry to be commissioners under the seventeenth article of the treaty concluded with the Cherokee tribe of Indians at New Echota on the 29th day of December, 1835, to adjudicate the claim of David Taylor for 640 acres of land, which has been duly appraised in accordance with the terms of the ninth article of said treaty, but not paid for. The facts of the case will more fully appear in the accompanying papers from the Department of the Interior.

MILLARD FILLMORE.

WASHINGTON, *January 5, 1852.*

To the House of Representatives:

I transmit to the House of Representatives a report of the Secretary of State, relative to the persons belonging to the expedition of Lopez who were taken prisoners in Cuba and afterwards sent to Spain, and who have now been pardoned and released by Her Catholic Majesty. The appropriation the expediency of which is suggested in the report I cordially commend to the consideration of Congress, with the single additional suggestion that to be available it should be promptly made.

MILLARD FILLMORE.

[The same message was sent to the Senate.]

WASHINGTON, *January 9, 1852.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 15th ultimo, requesting information in regard to the Territory of Utah, I transmit a report from the Secretary of State, to whom the resolution was referred.

MILLARD FILLMORE.

WASHINGTON, *January 12, 1852.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 5th instant, I herewith transmit to it a report and accompanying papers* from the Secretary of State.

MILLARD FILLMORE.

WASHINGTON, *January 16, 1852.*

To the House of Representatives:

I transmit a copy of a letter which has been addressed to me by the secretary of the Territory of Utah since my recent message to the House

* Relating to a circular issued by the secretary of state for the British colonial department relative to the employment in the British West India colonies of free blacks and liberated slaves from the United States.

of Representatives in answer to its resolution requesting information in regard to the affairs of that Territory.

MILLARD FILLMORE.

WASHINGTON, *January 19, 1852.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Secretary of State, accompanied by a letter to him from the contractors for paying the installment of Mexican indemnity due on the 31st May next, and respectfully invite attention to the subject.

MILLARD FILLMORE.

WASHINGTON, *January 20, 1852.*

To the Senate and House of Representatives of the United States:

I communicate to both Houses of Congress a report from the Department of State, containing copies of the correspondence which has taken place between that Department and the minister of the United States in Paris respecting the political occurrences which have recently taken place in France.

MILLARD FILLMORE.

WASHINGTON, *January 22, 1852.*

To the Senate of the United States:

In compliance with a resolution of the Senate passed March 13, 1851, I herewith transmit a report of the Secretary of War, containing information in regard to the claims of citizens of California for services rendered and for money and for property furnished in 1846 and 1847 in the conquest of that country.

MILLARD FILLMORE.

WASHINGTON, *January 23, 1852.*

To the House of Representatives:

I transmit a report from the Secretary of State and the documents which accompanied it, upon the subject of a resolution of the House of Representatives of yesterday, relative to the Mexican indemnity.

MILLARD FILLMORE.

WASHINGTON, *January 28, 1852.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 15th ultimo, requesting information respecting the seizure and confiscation of the bark *Georgiana*, of Maine, and brig *Susan Loud*, of Massachusetts,* I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

* By the Spanish or Cuban authorities.

WASHINGTON, *January 28, 1852.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 7th August, 1850, and the 17th December, 1851, requesting information touching the claims of citizens of the United States on the Government of Portugal, I transmit a report from the Secretary of State and the documents which accompanied the same.

MILLARD FILLMORE.

WASHINGTON, *February 9, 1852.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and the Republic of Peru, concluded and signed at Lima on the 26th day of July last.

A copy of a dispatch of Mr. J. R. Clay, the chargé d'affaires of the United States at Lima, to the Secretary of State, bearing date the 6th December last, is also transmitted for the information of the Senate.

MILLARD FILLMORE.

WASHINGTON, *February 10, 1852.*

To the Senate and House of Representatives:

I transmit to Congress a copy of the instruction dispatched from the Department of State to the minister of the United States at London respecting the attack on the United States steamer *Prometheus* in the harbor of San Juan de Nicaragua by the British brig of war *Express*, and also a copy of the dispatches of Mr. Lawrence to that Department and of his correspondence with Her Britannic Majesty's principal secretary of state for foreign affairs on the same subject.

MILLARD FILLMORE.

EXECUTIVE CHAMBER,
Washington City, February 10, 1852.

To the Senate and House of Representatives of the United States:

I transmit herewith a report from the Secretary of the Interior, containing a report from Thomas U. Walter, architect for the extension of the Capitol.

MILLARD FILLMORE.

WASHINGTON, *February 12, 1852.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 26th of December last, requesting information in regard to the seizure

of the brig *Arve** at Jeremie, in the island of St. Domingo, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *February 12, 1852.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 26th ultimo, requesting information upon the subject of the mission of Mr. Balistier, late consul at Singapore, to eastern Asia, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *February 13, 1852.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, treaties recently concluded with certain Indian tribes at Traverse des Sioux, Mendota, Pembina, and Fort Laramie, together with communications from the Department of the Interior and other documents connected therewith.

MILLARD FILLMORE.

WASHINGTON, *February 14, 1852.*

To the House of Representatives:

I communicate to the House of Representatives herewith a report to me, dated the 13th instant, from the Secretary of the Interior, respecting the delay and difficulty in making the apportionment among the several States of the Representatives in the Thirty-third Congress, as required by the act of 23d May, 1850, in consequence of the want of full returns of the population of the State of California, and suggesting the necessity for remedial legislation.

The subject is one of much importance, and I earnestly commend it to the early consideration of Congress.

MILLARD FILLMORE.

[The same message was sent to the Senate.]

WASHINGTON, *February 16, 1852.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a letter addressed to the Secretary of State by the commissioner of the United States under the convention with Brazil, setting forth the obstacles which have impeded the conclusion of the business of that commission.

MILLARD FILLMORE.

* By Haytien authorities.

WASHINGTON, *February 16, 1852.*

To the Senate of the United States:

I herewith communicate to the Senate, for its consideration with a view to ratification, a treaty of commerce and navigation concluded by the minister resident of the United States at Constantinople with the chargé d'affaires of the Shah of Persia at the same place. The treaty is in the Persian and French languages, but is accompanied by an English translation. A copy of the correspondence between the Department of State and the legation of the United States at Constantinople on the subject is also herewith communicated.

MILLARD FILLMORE.

WASHINGTON, *February 18, 1852.*

To the House of Representatives:

In answer to the resolution of the House of Representatives requesting the official correspondence respecting an alleged misunderstanding between Captain Long, of the Navy of the United States, and Louis Kossuth, I transmit reports from the Secretaries of State and of the Navy and the papers which accompanied them.

MILLARD FILLMORE.

WASHINGTON, *March 1, 1852.*

To the Senate and House of Representatives of the United States:

In compliance with the provisions of the act of Congress of the 11th August, 1848, I transmit to that body the copy of a dispatch from the commissioner *ad interim* of the United States at Canton, together with the copy of certain rules and regulations for masters, officers, and seamen of vessels of the United States of America at the free ports of China, which accompanied said dispatch, and which are submitted for the revision of Congress.

MILLARD FILLMORE.

WASHINGTON, *March 4, 1852.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 17th ultimo, I transmit herewith a report from the Secretary of the Navy and a report from the Solicitor of the Treasury Department in relation to the accounts of Prosper M. Wetmore, late navy agent in the city of New York.

MILLARD FILLMORE.

WASHINGTON, *March 4, 1852.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a letter addressed to me by the governor of the Territory of Minnesota, with the statements to which it refers, of the dis-

bursements up to the 1st of January last of the money appropriated by the act approved June 11, 1850, for the erection of public buildings in that Territory.

MILLARD FILLMORE.

WASHINGTON, *March 4, 1852.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a dispatch addressed to the Secretary of State by the minister of the United States at Mexico, and the papers therein referred to, relative to the cemetery which has been constructed in the neighborhood of that city as a place of sepulture for the remains of the officers and soldiers of the United States who died or were killed in that vicinity during the late war, and for such citizens of the United States as may hereafter die there. A copy of the report of the agent who was sent for the purpose of superintending the work is also herewith transmitted. It will be seen that a sum of $2,500 or $3,000, in addition to the amount appropriated by the act of Congress approved September 28, 1850, is represented to be necessary to carry the objects of that appropriation into full effect. I accordingly recommend that provision therefor may be made.

MILLARD FILLMORE.

WASHINGTON, *March 25, 1852.*

To the House of Representatives:

As a further answer to the resolution of the House of Representatives of the 5th of January last, requesting information in regard to a circular of Her Britannic Majesty's secretary of state for colonial affairs in respect to the encouragement of the emigration of colored laborers from the United States to the British West India islands, I transmit another dispatch addressed to the Department of State by the minister of the United States at London.

MILLARD FILLMORE.

WASHINGTON, *March 26, 1852.*

To the Senate and House of Representatives of the United States:

At the close of the commission to adjudicate upon the claims of citizens of the United States under the treaty of Guadalupe Hidalgo I directed a list to be made of papers which had been presented to that commission, and, pursuant to the act of Congress approved 3d March, 1849, the papers themselves to be carefully arranged and deposited for safe-keeping in the Department of State. I deemed all this necessary as well for the interest of the claimants as to secure the Government against fraudulent claims which might be preferred hereafter. A few days since I was surprised to learn that some of these papers had been fraudulently abstracted by one

of the claimants, and upon the case being made known to me by the Secretary of State I referred it to the Attorney-General for the purpose of ascertaining what punishment could be inflicted upon the person who had been guilty of this offense.

I now communicate to you his opinion and that of the attorney of the United States for this District, by which you will perceive that it is doubtful whether there be any law for punishing the very grave offense of fraudulently abstracting or mutilating the papers and public documents in the several Departments of this Government. It appears to me that the protection of the public records and papers requires that such acts should be made penal and a suitable punishment inflicted upon the offender, and I therefore bring the subject to your consideration, to enable you to act upon it should you concur with me in this opinion.

MILLARD FILLMORE.

WASHINGTON, *March 26, 1852.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 18th instant, I transmit a copy of the correspondence with John P. Gaines, governor of the Territory of Oregon, relative to the seat of government of said Territory.

MILLARD FILLMORE.

WASHINGTON, *March 29, 1852.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 24th instant, relating to the extension of the Capitol, I have the honor to submit herewith a report from the Secretary of the Interior, which furnishes, it is believed, the required information.

MILLARD FILLMORE.

WASHINGTON CITY, *March 29, 1852.*

To the Senate of the United States:

I have the resolution of your honorable body adopted in executive session March 24, 1852, by which I am requested to return to the Senate the resolution advising and consenting to the appointment of George C. Laurason as collector of the customs for the district of New Orleans, provided a commission had not been issued to him, and in reply thereto I would respectfully state that prior to the receipt of said resolution I had signed the commission to Mr. Laurason and transmitted it to the Secretary of the Treasury, to whom your resolution was immediately referred; and I have the honor now to transmit his reply, by which it will be seen that the commission, after having been duly executed, was sent to the First Comptroller, where it stills remains. I suppose, according to

the doctrine laid down in the case of Marbury *v.* Madison (1 Cranch R., 137), the appointment must be deemed complete, and nothing short of the removal of Mr. Laurason can enable me again to submit his nomination to the consideration of the Senate; but as the commission has not been technically issued to Mr. Laurason, I deem it most respectful to comply with your request by returning the copy of the resolution which notified me that the Senate advised and consented to his appointment.

MILLARD FILLMORE.

WASHINGTON CITY, *April 6, 1852.*

To the House of Representatives:

In compliance with the resolution of the House of the 31st ultimo, I have the honor herewith to transmit a report from the Secretary of War, accompanied by the original manuscript report of Captain Thomas J. Crane, dated February 3, 1844, on the best mode of improving the navigation of the Ohio River at the Falls of Louisville, together with the original maps accompanying the same.

MILLARD FILLMORE.

WASHINGTON, *April 8, 1852.*

To the Senate of the United States:

I herewith transmit to the Senate, in reply to their resolution of the 4th ultimo, a report from the Secretary of State, with accompanying papers.*

MILLARD FILLMORE.

WASHINGTON, *April 19, 1852.*

To the Senate and House of Representatives of the United States:

I invite the attention of Congress to the state of affairs in the Territory of Oregon, growing out of a conflict of opinion among the authorities of that Territory in regard to a proper construction of the acts of Congress approved the 14th August, 1848, and 11th June, 1850, the former entitled "An act to establish a Territorial government of Oregon," and the latter entitled "An act to make further appropriations for public buildings in the Territories of Minnesota and Oregon." In order to enable Congress to understand the controversy and apply such remedy with a view to adjust it as may be deemed expedient, I transmit—

1. An act of the legislative assembly of that Territory, passed February 1, 1851, entitled "An act to provide for the selection of places for the location and erection of public buildings of the Territory of Oregon."

2. Governor Gaines's message to the legislative assembly of the 3d February, 1851.

3. The opinion of the Attorney-General of the United States of 23d

* Relating to the relations between the United States and Japan.

April, in regard to the act of the legislative assembly of the 1st February, 1851.

4. The opinion of the supreme court of Oregon, pronounced on the 9th December, 1851.

5. A letter of Judge Pratt of the 15th December, 1851, dissenting from that opinion.

6. Governor Gaines's letter to the President of the 1st January, 1852.

7. Report of the Attorney-General of the United States on that letter, dated 22d March, 1852.

If it should be the sense of Congress that the seat of government of Oregon has not already been established by the local authorities pursuant to the law of the United States for the organization of that Territory, or, if so established, should be deemed objectionable, in order to appease the strife upon the subject which seems to have arisen in that Territory I recommend that the seat of government be either permanently or temporarily ordained by act of Congress, and that that body should in the same manner express its approval or disapproval of such laws as may have been enacted in the Territory at the place alleged to be its seat of government, and which may be so enacted until intelligence of the decision of Congress shall reach there.

MILLARD FILLMORE.

WASHINGTON, *May 1, 1852.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention between the United States and the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck, signed in this city by their respective plenipotentiaries on the 30th day of April, A. D. 1852, for the mutual extension of the jurisdiction of consuls. A copy of a note from the special plenipotentiary of Hamburg, Bremen, and Lubeck accompanies the convention.

MILLARD FILLMORE.

WASHINGTON, *May 5, 1852.*

To the Senate of the United States:

On the 3d of March, 1849, a general convention of peace, amity, commerce, and navigation between the United States and the Republic of Guatemala, by Elijah Hise, the chargé d'affaires of the United States to that Republic, on the part of this Government, and by Señor Don Jose Mariano Rodriguez, minister for foreign affairs, on the part of the Government of Guatemala. This convention was approved by the Senate on the 24th of September, 1850, and by a resolution of the 27th of that month that body authorized the ratification of this Government to be exchanged for the ratification of the Government of Guatemala at any

time prior to the 1st of April, 1851. I accordingly ratified the convention on the 14th of November, 1850, but there was then no person in this country authorized to effect the exchange of ratifications on the part of the Guatemalan Government, and the United States had no diplomatic representative there. When, however, in the summer of 1851, Mr. J. Bozman Kerr proceeded to Nicaragua as the chargé d'affaires of the United States, he was empowered and instructed, when he should have concluded the business, which it was presumed would not have detained him long, in Nicaragua, to repair to Guatemala and effect the exchange on the part of this Government. Circumstances, however, have hitherto prevented him from accomplishing this object. Meanwhile Señor Don Felipe Molina has been received as chargé d'affaires of Guatemala here, and has been empowered to effect the exchange on the part of that Government.

I accordingly recommend that the Senate authorize a further extension of the period for exchanging the ratifications, in order that the convention may go into operation. It is presumed that if this recommendation should be adopted a few weeks from the date of the decision of the Senate upon the subject would be necessary to complete the preparations for carrying it into effect.

MILLARD FILLMORE.

WASHINGTON, *May 29, 1852.*

To the Senate of the United States:

The resolution of the Senate of the 6th instant, requesting the "papers and proofs on file in any of the Executive Departments touching the claim of Samuel A. Belden & Co., of Brownsville, Tex., against the Mexican Government for injuries inflicted upon said Belden & Co., as alleged by them in violation of the treaty of Guadalupe Hidalgo," was referred to the heads of those Departments, and the documents herewith transmitted have been reported to me from the Department of State as comprising all on the files of that Department called for by the resolution, with the exception of those of a diplomatic character. As the claim referred to is a subject of negotiation with the Mexican Government, it is not deemed expedient at this juncture to make public the documents which have been reserved. According to the reports of the Secretary of the Treasury, of the Secretary of the Interior, of the Secretary of War, of the Secretary of the Navy, and of the Postmaster-General, there are no papers in their respective Departments relative to the claim of Messrs. Belden & Co.

MILLARD FILLMORE.

WASHINGTON, *June 1, 1852.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, eighteen treaties negotiated with Indian tribes in California, as

described in the accompanying letter of the Secretary of the Interior, dated the 22d ultimo, with a copy of the report of the superintendent of Indian affairs for the State of California and other correspondence in relation thereto.

MILLARD FILLMORE.

WASHINGTON, *June 11, 1852.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and the Sultan of Borneo, signed at Bruni on the 23d of June, 1850. A copy of two dispatches to this department from Mr. Balestier, who concluded the convention on the part of this Government, one dated the 22d of April and the other the 24th June, 1851, is also transmitted for the information of the Senate. As the period limited for the exchange of the ratifications, which is to be effected at Bruni, will expire on the 23d instant, I recommend that if the Senate should approve the convention authority may be given to perform that ceremony within a year from that date. The instrument would have been submitted to the Senate in season for the ratification to be exchanged within the stipulated time had not Mr. Balestier's arrival with it in the United States been unavoidably delayed.

MILLARD FILLMORE.

WASHINGTON, *June 11, 1852.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, on the subject of the disorders on the Rio Grande frontier, and recommend the legislation which it suggests, in order that the duties and obligations of this Government occasioned thereby may be more effectually discharged and the peace and security of the inhabitants of the United States in that quarter more efficiently maintained.

MILLARD FILLMORE.

WASHINGTON, *June 14, 1852.*

To the Senate and House of Representatives:

I transmit herewith, for your consideration, a report from the Secretary of State, accompanied by a communication from His Excellency Señor Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Her Catholic Majesty, claiming indemnity for those Spanish subjects in New Orleans who sustained injury from the unlawful violence of the mob in that city consequent upon hearing the news of the execution of those persons who unlawfully invaded Cuba in August, 1851. My own views of the national liability upon this subject were expressed in the note of the Secretary of State to Mr. Calderon of the 13th November, 1851, and I do not understand that Her Catholic Majesty's minister con-

troverts the correctness of the position there taken. He, however, insists that the thirteenth article of the treaty of 1795 promises indemnity for such injuries sustained within one year after the commencement of war between the two nations, and although he admits this is not within the letter of the treaty, yet he conceives that, as between two friendly nations, it is within the spirit of it.

This view of the case is at his request submitted for your consideration, but whether you may deem it correct or not, there is, perhaps, one ground upon which this indemnity, which can not be large in amount, may be granted without establishing a dangerous precedent, and the granting of which would commend itself to the generous feelings of the entire country, and that is this: The Queen of Spain, with a magnanimity worthy of all commendation, in a case where we had no legal right to solicit the favor, granted a free pardon to all the persons who had so unjustifiably invaded her dominions and murdered her subjects in Cuba, in violation of her own laws as well as those of the United States and the public law of nations. Such an act of mercy, which restored many misguided and unfortunate youth of this country to their parents and friends, seems to me to merit some corresponding act of magnanimity and generosity on the part of the Government of this country, and I think that there can be none more appropriate than to grant an indemnity to those Spanish subjects who were resident among us and who suffered by the violence of the mob, not on account of any fault which they themselves had committed, but because they were the subjects of the Queen of Spain. Such an act would tend to confirm that friendship which has so long existed between the two nations and to perpetuate it as a blessing to both, and I therefore recommend it to your favorable consideration.

MILLARD FILLMORE.

WASHINGTON, *June 22, 1852.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with the accompanying documents,* in compliance with the Senate's resolution of the 29th of April last.

MILLARD FILLMORE.

WASHINGTON, *June 22, 1852.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for the mutual delivery of criminals fugitives from justice in certain cases between the United States on the one part and Prussia and other States of the Germanic Confederation on the other part, signed in this city on the 16th instant.

MILLARD FILLMORE.

* Correspondence of the American chargé at Vienna on the subject of the apprehension and imprisonment by the Austrian authorities of Rev. Charles L. Brace, an American citizen.

WASHINGTON, *June 23, 1852.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with the accompanying documents,* in compliance with the Senate's resolution of the 3d instant.

MILLARD FILLMORE.

WASHINGTON, *June 26, 1852.*

To the Senate of the United States:

I transmit and commend to the consideration of the Senate a report from the Secretary of State, touching the convention between the United States and the Mexican Republic for the mutual extradition of fugitives from justice in certain cases, which convention I submitted to the Senate soon after I entered upon the office of President of the United States.

MILLARD FILLMORE.

DEPARTMENT OF STATE,
Washington, June 26, 1852.

THE PRESIDENT OF THE UNITED STATES:

It was understood that at the close of the Administration of your predecessor an extradition treaty was concluded in this city between the United States and the Mexican Republic, which, however, was submitted to the Senate by yourself, but before I entered upon my present office.

It is presumed that as the treaty has not been returned to this Department the Senate has made no decision in regard to it.

The necessity for a compact upon that subject between the two Governments, whose territories, being conterminous, afford great facilities for wrongdoers in the one to screen themselves from punishment by seeking refuge in the other, would at all times be obvious, but at the present juncture may be considered as urgent.

I would consequently suggest that the attention of the Senate be respectfully invited to the matter, in order that if the treaty before them should be deemed objectionable another, embodying such amendments as may be supposed to be necessary, may be proposed to the Mexican Government.

Respectfully submitted.

DANL. WEBSTER.

WASHINGTON, *June 26, 1852.*

To the Senate of the United States:

I have received and taken into respectful consideration the resolution of the Senate of yesterday, adopted in executive session, requesting information in regard to supposed negotiations between the United States and Great Britain and between the United States and the Republics of Nicaragua and Costa Rica, respectively. Any information which may be in the possession of the Executive on these subjects shall in due time be laid before the Senate, but it is apprehended that it would not comport with the public interests to communicate it under existing circumstances.

MILLARD FILLMORE.

* Correspondence relative to the withdrawal of Mr. Hülsemann, chargé d'affaires from Austria to the United States.

WASHINGTON, *June 26, 1852.*

To the Senate of the United States:

I have received the resolution of the Senate of the 11th instant, passed in executive session, making inquiry respecting supposed propositions of the King of the Sandwich Islands to convey the sovereignty of those islands to the United States and requesting all official information in my possession touching the subject.

This request has been taken into the most respectful consideration, but the conclusion at which I have arrived is that the public interest would not be promoted, but, on the contrary, might under circumstances of possible occurrence, be seriously endangered if it were now to be complied with.

MILLARD FILLMORE.

WASHINGTON CITY, *July 1, 1852.*

To the Senate of the United States:

On the 26th ultimo I received a resolution of the Senate, passed in executive session, in the following words:

Resolved, That the President of the United States be requested to inform the Senate, if not in his opinion incompatible with the public interest, whether any convention or compact has been entered into on the part of the United States and the Government of Great Britain whereby the two Governments jointly recommend or advise the Republics of Costa Rica and Nicaragua, or either of those Republics, and the Mosquito Indians, inhabiting the Mosquito Coast, in Central America, on matters affecting their several and respective boundaries, or whereby any recommendation or advice is given to either of said Republics or said Indians respecting the territorial rights thereafter to be enjoyed or observed by them respectively, or in any other manner affecting or regulating the relations hereafter to be maintained between said Republics themselves, or either of them, and the said Indians concerning their territorial boundaries or other matters thereto appertaining. And if there be any such convention or compact, then that the President be requested to communicate the same, or a copy thereof, to the Senate, and to inform the Senate whether the same was made at the request or invitation of either of said Republics or of said Indians, or with their privity, approbation, or consent. And that the President be further requested to communicate to the Senate copies of all correspondence between the Executive and Great Britain, or with either of said Republics of Central America, touching said convention, and of all documents connected therewith. And if such convention or compact has been made, that the President be further requested to inform the Senate whether the same has been formally communicated to the respective Governments of Nicaragua and Costa Rica and the Mosquito Indians on the part of the Governments of Great Britain and the United States, and in what form such communications have been made to them, and that he lay before the Senate copies of any instructions that have been given to the representatives or agents of the United States at Nicaragua and Costa Rica touching such convention and the matters therein contained, with copies of like instructions to any naval officer of the United States relating to or in any manner concerning the said convention or its communication to said Republics or said Indians.

On the same day I returned the following answer to that resolution:

I have received and taken into respectful consideration the resolution of the Senate of yesterday, adopted in executive session, requesting information in regard to

supposed negotiations between the United States and Great Britain and between the United States and the Republics of Nicaragua and Costa Rica, respectively. Any information which may be in the possession of the Executive on these subjects shall in due time be laid before the Senate, but it is apprehended that it would not comport with the public interests to communicate it under existing circumstances.

Great was my surprise to observe this morning in one of the public journals a statement of what purports to be a proposition, jointly signed by Her Britannic Majesty's minister here and the Secretary of State, for the adjustment of certain claims to territory between Nicaragua, Costa Rica, and the Mosquito Indians. I have caused immediate inquiry to be made into the origin of this highly improper publication, and shall omit no proper or legal means for bringing it to light. Whether it shall turn out to have been caused by unfaithfulness or breach of duty in any officer of this Government, high or low, or by a violation of diplomatic confidence, the appropriate remedy will be immediately applied, as being due not only to this Government, but to other governments. And I hold this communication to be especially proper to be made immediately by me to the Senate, after what has transpired on this subject, that the Senate may be perfectly assured that no information asked by it has been withheld and at the same time permitted to be published to the world.

This publication can not be considered otherwise than as a breach of official duty by some officer of the Government or a gross violation of the confidence necessary always to be reposed in the representatives of other nations. An occurrence of this kind can not but weaken the faith so desirable to be preserved between different governments and to injure the negotiations now pending, and it merits the severest reprobation.

MILLARD FILLMORE.

WASHINGTON CITY, *July 2, 1852.*

To the Senate of the United States:

I herewith transmit, for the advice and consent of the Senate, a treaty recently negotiated with the Chickasaw Nation of Indians.

The nature and objects of the treaty are fully explained by the report of Mr. Harper, who negotiated it in behalf of the United States.

MILLARD FILLMORE.

WASHINGTON, *July 2, 1852.*

To the Senate and House of Representatives:

By an act of Congress approved on the 10th day of February, 1852, an appropriation of $6,000 was made for the relief of *American citizens* then lately imprisoned and pardoned by the Queen of Spain, intended to provide for the return of such of the Cuban prisoners as were citizens of the United States who had been transported to Spain and there pardoned by the Spanish Government. It will be observed that no provision was

made for such foreigners or aliens as were engaged in the Cuban expedition, and who had shared the fate of American citizens, for whose relief the said act was intended to provide. I now transmit a report from the First Comptroller, with accompanying papers, from which it will be perceived that fifteen foreigners were connected with that expedition, who were also pardoned by the Queen of Spain, and have been transported to the United States under a contract made with our consul, at an expense of $1,013.34, for the payment of which no provision has been made by law. The consul having evidently acted with good intentions, the claim is submitted for the consideration of Congress.

MILLARD FILLMORE.

WASHINGTON, *July 13, 1852.*

To the House of Representatives:

In answer to the resolution of the House of Representatives requesting information relative to the policy of the Government in regard to the island of Cuba, I transmit a report from the Department of State and the documents by which it was accompanied.

MILLARD FILLMORE.

EXECUTIVE MANSION,
Washington City, July 26, 1852.

To the Senate of the United States:

In obedience to your resolution adopted in executive session June 11, 1852, I have the honor herewith to communicate a report* from the Secretary of the Interior, containing the information called for by that resolution.

MILLARD FILLMORE.

WASHINGTON, *July 27, 1852.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 19th instant, requesting the correspondence between the Government of the United States and that of the Mexican Republic respecting a right of way across the Isthmus of Tehuantepec, I transmit a report from the Department of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *July 29, 1852.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 27th instant, I transmit the copy of the notes† of Mr. Luis de la Rosa and Mr. J. M. Gonzales de la Vega, which it requests.

MILLARD FILLMORE.

* Relating to the boundary line between the United States and Mexico.
† Upon the subject of the American and Mexican boundary commission.

WASHINGTON, *July 31, 1852.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, nineteen treaties negotiated by commissioners on the part of the United States with various tribes of Indians in the Territory of Oregon, accompanied by a letter to me from the Secretary of the Interior and certain documents having reference thereto.

MILLARD FILLMORE.

WASHINGTON, *August 2, 1852.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 23d ultimo, requesting information in regard to the fisheries on the coasts of the British possessions in North America, I transmit a report from the Acting Secretary of State and the documents by which it was accompanied. Commodore M. C. Perry, with the United States steam frigate *Mississippi* under his command, has been dispatched to that quarter for the purpose of protecting the rights of American fishermen under the convention of 1818.

MILLARD FILLMORE.

WASHINGTON, *August 9, 1852.*

To the House of Representatives of the United States:

I transmit a report from the Acting Secretary of State and the documents by which it was accompanied, in answer to a resolution of the House of Representatives of the 22d ultimo, on the subject of the fisheries, and state for the information of that House that the United States steam frigate *Mississippi* has been dispatched to the fishing grounds on the coasts of the British possessions in North America for the purpose of protecting the rights of American fishermen under the convention between the United States and Great Britain of the 20th of October 1818.

MILLARD FILLMORE.

WASHINGTON, *August 10, 1852.*

To the Senate of the United States:

I transmit a copy of the certificate of the exchange of the ratifications of the general convention of peace, amity, commerce, and navigation between the United States and the Republic of San Salvador, signed at Leon, in Nicaragua, on the 2d of January, 1850. It will be seen that the exchange was not effected until the 2d of June last, but that it was stipulated that the convention was not to be binding upon either of the parties thereto until the Senate of the United States should have duly sanctioned the exchange.

The Senate by its resolution of the 27th of September, 1850, authorized the exchange to take place at any time prior to the 1st of April, 1851.

Mr. Kerr, the chargé d'affaires of the United States to Nicaragua, however, who was authorized to make the exchange on the part of this Government, was unavoidably detained in that Republic, in consequence of which the exchange could not be effected within the period referred to.

The expediency of sanctioning the exchange which has been made by Mr. Kerr, and of authorizing the convention to go into effect, is accordingly submitted to the consideration of the Senate.

MILLARD FILLMORE.

WASHINGTON, *August 12, 1852.*

To the Senate of the United States:

In answer to the resolution of the Senate dated the 20th ultimo, requesting information in regard to controversies between the consul of the United States at Acapulco and the Mexican authorities, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *August 13, 1852.*

To the Senate of the United States:

I transmit a report from the Secretary of State upon the subject of the relations between the United States and the Republics of Nicaragua and Costa Rica, in Central America, which has been delayed longer than I desired in consequence of the ill health of the Secretary of State.

MILLARD FILLMORE.

WASHINGTON, *August 14, 1852.*

To the Senate of the United States:

I have received a resolution from your honorable body of the 6th instant, appearing to have been adopted in open legislative session, requesting me "to inform the Senate, if not incompatible with the public interests, whether any propositions have been made by the King of the Sandwich Islands to transfer the sovereignty of these islands to the United States, and to communicate to the Senate all the official information on that subject in my possession;" in reply to which I have to state that on or about the 12th day of June last I received a similar resolution from the Senate adopted in executive or secret session, to which I returned an answer stating that in my opinion a communication of the information requested at that juncture would not comport with the public interest. Nothing has since transpired to change my views on that subject, and I therefore feel constrained again to decline giving the information asked.

MILLARD FILLMORE.

WASHINGTON, *August 21, 1852.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 9th instant, requesting information touching the Lobos Islands, I transmit a report from the Secretary of State and the documents by which it was accompanied. The instructions to the squadron of the United States called for by the resolution will be communicated on an early future occasion.

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 14th ultimo, requesting a copy of the correspondence of Mr. R. M. Walsh while he was employed as a special agent of this Government in the island of St. Domingo, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.*

To the Senate of the United States:

I transmit a further report from the Secretary of State relative to the Lobos Islands. This report is accompanied by a copy of the orders of the Navy Department to Commodore McCauley, requested by the resolution of the Senate of the 9th instant.

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.*

To the Senate of the United States:

As it is not deemed advisable that the instruction to Mr. R. M. Walsh,* a copy of which is herewith transmitted, should be published at this time, I communicate it confidentially to the Senate in executive session.

MILLARD FILLMORE.

WASHINGTON, *August 27, 1852.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a supplementary convention relative to commerce and navigation between the United States and the Netherlands, signed in this city on the 26th instant.

MILLARD FILLMORE.

* Special agent of the United States in the island of St. Domingo.

WASHINGTON, *August 27, 1852.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Belgium for regulating the right of inheriting and acquiring property, signed in this city on the 25th instant.

MILLARD FILLMORE.

WASHINGTON, *August 31, 1852.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st instant, requesting information in respect to foreign postal arrangements, and especially cheap ocean postage, I transmit a report of the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

EXECUTIVE ORDERS.

WASHINGTON CITY,
May 17, 1852.

THE SECRETARY OF WAR.

MY DEAR SIR: I have just issued an authority to Hugh Maxwell, collector at New York, under the eighth section of the act of April 20, 1818, to arrest any unlawful expedition that may be attempted to be fitted out within his district, and I have given him power to call upon any military and naval officers that may be there to aid him in the execution of this duty; and I will thank you to issue the necessary instructions to the proper military officer in that district.

I am, your obedient servant,

MILLARD FILLMORE.

WASHINGTON CITY,
Tuesday, June 29, 1852—12.30 o'clock p. m.

SIR:* The tolling bells announce the death of the Hon. Henry Clay. Though this event has been long anticipated, yet the painful bereavement could never be fully realized. I am sure all hearts are too sad at this moment to attend to business, and I therefore respectfully suggest that your Department be closed for the remainder of the day.

I have the honor to be, your obedient servant,

MILLARD FILLMORE.

* Addressed to the heads of the several Executive Departments.

WASHINGTON, *September 13, 1852.*

General JOS. G. TOTTEN.

SIR: I have to acknowledge the receipt of your favor of the 11th instant and to say that I shall be pleased if you will cause the necessary surveys, projects, and estimates for determining the best means of affording the cities of Washington and Georgetown an unfailing and abundant supply of good and wholesome water to be made as soon as possible.

I am, very respectfully, your obedient servant,

MILLARD FILLMORE.

[From the Daily National Intelligencer, October 26, 1852.]

EXECUTIVE MANSION,
Washington, Monday Morning, October 25, 1852.

The ACTING SECRETARY OF STATE and the SECRETARIES OF THE TREASURY, INTERIOR, WAR, NAVY, the ATTORNEY-GENERAL and POSTMASTER-GENERAL.

GENTLEMEN: The painful intelligence received yesterday enforces upon me the sad duty of announcing to the Executive Departments the death of the Secretary of State. Daniel Webster died at Marshfield, in Massachusetts, on Sunday, the 24th of October, between 2 and 3 o'clock in the morning.

Whilst this irreparable loss brings its natural sorrow to every American heart and will be heard far beyond our borders with mournful respect wherever civilization has nurtured men who find in transcendent intellect and faithful, patriotic service a theme for praise, it will visit with still more poignant emotion his colleagues in the Administration, with whom his relations have been so intimate and so cordial.

The fame of our illustrious statesman belongs to his country, the admiration of it to the world. The record of his wisdom will inform future generations not less than its utterance has enlightened the present. He has bequeathed to posterity the richest fruits of the experience and judgment of a great mind conversant with the greatest national concerns. In these his memory will endure as long as our country shall continue to be the home and guardian of freemen.

The people will share with the Executive Departments in the common grief which bewails his departure from amongst us.

In the expression of individual regret at this afflicting event the Executive Departments of the Government will be careful to manifest every observance of honor which custom has established as appropriate to the memory of one so eminent as a public functionary and so distinguished as a citizen.

The Acting Secretary of State will communicate this sad intelligence to the diplomatic corps near this Government and, through our ministers abroad, to foreign governments.

The members of the Cabinet are requested, as a further testimony of respect for the deceased, to wear the usual badges of mourning for thirty days.

I am, gentlemen, your obedient servant,

MILLARD FILLMORE.

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 6, 1852.*

Fellow-Citizens of the Senate and of the House of Representatives:

The brief space which has elapsed since the close of your last session has been marked by no extraordinary political event. The quadrennial election of Chief Magistrate has passed off with less than the usual excitement. However individuals and parties may have been disappointed in the result, it is, nevertheless, a subject of national congratulation that the choice has been effected by the independent suffrages of a free people, undisturbed by those influences which in other countries have too often affected the purity of popular elections.

Our grateful thanks are due to an all-merciful Providence, not only for staying the pestilence which in different forms has desolated some of our cities, but for crowning the labors of the husbandman with an abundant harvest and the nation generally with the blessings of peace and prosperity.

Within a few weeks the public mind has been deeply affected by the death of Daniel Webster, filling at his decease the office of Secretary of State. His associates in the executive government have sincerely sympathized with his family and the public generally on this mournful occasion. His commanding talents, his great political and professional eminence, his well-tried patriotism, and his long and faithful services in the most important public trusts have caused his death to be lamented throughout the country and have earned for him a lasting place in our history.

In the course of the last summer considerable anxiety was caused for a short time by an official intimation from the Government of Great Britain that orders had been given for the protection of the fisheries upon the coasts of the British Provinces in North America against the alleged encroachments of the fishing vessels of the United States and France. The shortness of this notice and the season of the year seemed to make it a matter of urgent importance. It was at first apprehended that an increased naval force had been ordered to the fishing grounds to carry into effect the British interpretation of those provisions in the convention of 1818 in reference to the true intent of which the two Governments differ. It was soon discovered that such was not the design of Great Britain,

and satisfactory explanations of the real objects of the measure have been given both here and in London.

The unadjusted difference, however, between the two Governments as to the interpretation of the first article of the convention of 1818 is still a matter of importance. American fishing vessels, within nine or ten years, have been excluded from waters to which they had free access for twenty-five years after the negotiation of the treaty. In 1845 this exclusion was relaxed so far as concerns the Bay of Fundy, but the just and liberal intention of the home Government, in compliance with what we think the true construction of the convention, to open all the other outer bays to our fishermen was abandoned in consequence of the opposition of the colonies. Notwithstanding this, the United States have, since the Bay of Fundy was reopened to our fishermen in 1845, pursued the most liberal course toward the colonial fishing interests. By the revenue law of 1846 the duties on colonial fish entering our ports were very greatly reduced, and by the warehousing act it is allowed to be entered in bond without payment of duty. In this way colonial fish has acquired the monopoly of the export trade in our market and is entering to some extent into the home consumption. These facts were among those which increased the sensibility of our fishing interest at the movement in question.

These circumstances and the incidents above alluded to have led me to think the moment favorable for a reconsideration of the entire subject of the fisheries on the coasts of the British Provinces, with a view to place them upon a more liberal footing of reciprocal privilege. A willingness to meet us in some arrangement of this kind is understood to exist on the part of Great Britain, with a desire on her part to include in one comprehensive settlement as well this subject as the commercial intercourse between the United States and the British Provinces. I have thought that, whatever arrangements may be made on these two subjects, it is expedient that they should be embraced in separate conventions. The illness and death of the late Secretary of State prevented the commencement of the contemplated negotiation. Pains have been taken to collect the information required for the details of such an arrangement. The subject is attended with considerable difficulty. If it is found practicable to come to an agreement mutually acceptable to the two parties, conventions may be concluded in the course of the present winter. The control of Congress over all the provisions of such an arrangement affecting the revenue will of course be reserved.

The affairs of Cuba formed a prominent topic in my last annual message. They remain in an uneasy condition, and a feeling of alarm and irritation on the part of the Cuban authorities appears to exist. This feeling has interfered with the regular commercial intercourse between the United States and the island and led to some acts of which we have a right to complain. But the Captain-General of Cuba is clothed with

no power to treat with foreign governments, nor is he in any degree under the control of the Spanish minister at Washington. Any communication which he may hold with an agent of a foreign power is informal and matter of courtesy. Anxious to put an end to the existing inconveniences (which seemed to rest on a misconception), I directed the newly appointed minister to Mexico to visit Havana on his way to Vera Cruz. He was respectfully received by the Captain-General, who conferred with him freely on the recent occurrences, but no permanent arrangement was effected.

In the meantime the refusal of the Captain-General to allow passengers and the mail to be landed in certain cases, for a reason which does not furnish, in the opinion of this Government, even a good presumptive ground for such prohibition, has been made the subject of a serious remonstrance at Madrid, and I have no reason to doubt that due respect will be paid by the Government of Her Catholic Majesty to the representations which our minister has been instructed to make on the subject.

It is but justice to the Captain-General to add that his conduct toward the steamers employed to carry the mails of the United States to Havana has, with the exceptions above alluded to, been marked with kindness and liberality, and indicates no general purpose of interfering with the commercial correspondence and intercourse between the island and this country.

Early in the present year official notes were received from the ministers of France and England inviting the Government of the United States to become a party with Great Britain and France to a tripartite convention, in virtue of which the three powers should severally and collectively disclaim now and for the future all intention to obtain possession of the island of Cuba, and should bind themselves to discountenance all attempts to that effect on the part of any power or individual whatever. This invitation has been respectfully declined, for reasons which it would occupy too much space in this communication to state in detail, but which led me to think that the proposed measure would be of doubtful constitutionality, impolitic, and unavailing. I have, however, in common with several of my predecessors, directed the ministers of France and England to be assured that the United States entertain no designs against Cuba, but that, on the contrary, I should regard its incorporation into the Union at the present time as fraught with serious peril.

Were this island comparatively destitute of inhabitants or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But under existing circumstances I should look upon its incorporation into our Union as a very hazardous measure. It would bring into the Confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with the other members. It would probably affect in a prejudicial manner the industrial interests of the South, and it might revive those conflicts

of opinion between the different sections of the country which lately shook the Union to its center, and which have been so happily compromised.

The rejection by the Mexican Congress of the convention which had been concluded between that Republic and the United States for the protection of a transit way across the Isthmus of Tehuantepec and of the interests of those citizens of the United States who had become proprietors of the rights which Mexico had conferred on one of her own citizens in regard to that transit has thrown a serious obstacle in the way of the attainment of a very desirable national object. I am still willing to hope that the differences on the subject which exist, or may hereafter arise, between the Governments will be amicably adjusted. This subject, however, has already engaged the attention of the Senate of the United States, and requires no further comment in this communication.

The settlement of the question respecting the port of San Juan de Nicaragua and of the controversy between the Republics of Costa Rica and Nicaragua in regard to their boundaries was considered indispensable to the commencement of the ship canal between the two oceans, which was the subject of the convention between the United States and Great Britain of the 19th of April, 1850. Accordingly, a proposition for the same purposes, addressed to the two Governments in that quarter and to the Mosquito Indians, was agreed to in April last by the Secretary of State and the minister of Her Britannic Majesty. Besides the wish to aid in reconciling the differences of the two Republics, I engaged in the negotiation from a desire to place the great work of a ship canal between the two oceans under one jurisdiction and to establish the important port of San Juan de Nicaragua under the government of a civilized power. The proposition in question was assented to by Costa Rica and the Mosquito Indians. It has not proved equally acceptable to Nicaragua, but it is to be hoped that the further negotiations on the subject which are in train will be carried on in that spirit of conciliation and compromise which ought always to prevail on such occasions, and that they will lead to a satisfactory result.

I have the satisfaction to inform you that the executive government of Venezuela has acknowledged some claims of citizens of the United States which have for many years past been urged by our chargé d'affaires at Caracas. It is hoped that the same sense of justice will actuate the Congress of that Republic in providing the means for their payment.

The recent revolution in Buenos Ayres and the Confederated States having opened the prospect of an improved state of things in that quarter, the Governments of Great Britain and France determined to negotiate with the chief of the new confederacy for the free access of their commerce to the extensive countries watered by the tributaries of the La Plata; and they gave a friendly notice of this purpose to the United States, that we might, if we thought proper, pursue the same course. In compliance with this invitation, our minister at Rio Janeiro and our

chargé d'affaires at Buenos Ayres have been fully authorized to conclude treaties with the newly organized confederation or the States composing it. The delays which have taken place in the formation of the new government have as yet prevented the execution of those instructions, but there is every reason to hope that these vast countries will be eventually opened to our commerce.

A treaty of commerce has been concluded between the United States and the Oriental Republic of Uruguay, which will be laid before the Senate. Should this convention go into operation, it will open to the commercial enterprise of our citizens a country of great extent and unsurpassed in natural resources, but from which foreign nations have hitherto been almost wholly excluded.

The correspondence of the late Secretary of State with the Peruvian chargé d'affaires relative to the Lobos Islands was communicated to Congress toward the close of the last session. Since that time, on further investigation of the subject, the doubts which had been entertained of the title of Peru to those islands have been removed, and I have deemed it just that the temporary wrong which had been unintentionally done her from want of information should be repaired by an unreserved acknowledgment of her sovereignty.

I have the satisfaction to inform you that the course pursued by Peru has been creditable to the liberality of her Government. Before it was known by her that her title would be acknowledged at Washington, her minister of foreign affairs had authorized our chargé d'affaires at Lima to announce to the American vessels which had gone to the Lobos for guano that the Peruvian Government was willing to freight them on its own account. This intention has been carried into effect by the Peruvian minister here by an arrangement which is believed to be advantageous to the parties in interest.

Our settlements on the shores of the Pacific have already given a great extension, and in some respects a new direction, to our commerce in that ocean. A direct and rapidly increasing intercourse has sprung up with eastern Asia. The waters of the Northern Pacific, even into the Arctic Sea, have of late years been frequented by our whalemen. The application of steam to the general purposes of navigation is becoming daily more common, and makes it desirable to obtain fuel and other necessary supplies at convenient points on the route between Asia and our Pacific shores. Our unfortunate countrymen who from time to time suffer shipwreck on the coasts of the eastern seas are entitled to protection. Besides these specific objects, the general prosperity of our States on the Pacific requires that an attempt should be made to open the opposite regions of Asia to a mutually beneficial intercourse. It is obvious that this attempt could be made by no power to so great advantage as by the United States, whose constitutional system excludes every idea of distant colonial dependencies. I have accordingly been led to order an

appropriate naval force to Japan, under the command of a discreet and intelligent officer of the highest rank known to our service. He is instructed to endeavor to obtain from the Government of that country some relaxation of the inhospitable and antisocial system which it has pursued for about two centuries. He has been directed particularly to remonstrate in the strongest language against the cruel treatment to which our shipwrecked mariners have often been subjected and to insist that they shall be treated with humanity. He is instructed, however, at the same time, to give that Government the amplest assurances that the objects of the United States are such, and such only, as I have indicated, and that the expedition is friendly and peaceful. Notwithstanding the jealousy with which the Governments of eastern Asia regard all overtures from foreigners, I am not without hopes of a beneficial result of the expedition. Should it be crowned with success, the advantages will not be confined to the United States, but, as in the case of China, will be equally enjoyed by all the other maritime powers. I have much satisfaction in stating that in all the steps preparatory to this expedition the Government of the United States has been materially aided by the good offices of the King of the Netherlands, the only European power having any commercial relations with Japan.

In passing from this survey of our foreign relations, I invite the attention of Congress to the condition of that Department of the Government to which this branch of the public business is intrusted. Our intercourse with foreign powers has of late years greatly increased, both in consequence of our own growth and the introduction of many new states into the family of nations. In this way the Department of State has become overburdened. It has by the recent establishment of the Department of the Interior been relieved of some portion of the domestic business. If the residue of the business of that kind—such as the distribution of Congressional documents, the keeping, publishing, and distribution of the laws of the United States, the execution of the copyright law, the subject of reprieves and pardons, and some other subjects relating to interior administration—should be transferred from the Department of State, it would unquestionably be for the benefit of the public service. I would also suggest that the building appropriated to the State Department is not fireproof; that there is reason to think there are defects in its construction, and that the archives of the Government in charge of the Department, with the precious collections of the manuscript papers of Washington, Jefferson, Hamilton, Madison, and Monroe, are exposed to destruction by fire. A similar remark may be made of the buildings appropriated to the War and Navy Departments.

The condition of the Treasury is exhibited in the annual report from that Department.

The cash receipts into the Treasury for the fiscal year ending the 30th June last, exclusive of trust funds, were $49,728,386.89, and the expend-

itures for the same period, likewise exclusive of trust funds, were $46,007,896.20, of which $9,455,815.83 was on account of the principal and interest of the public debt, including the last installment of the indemnity to Mexico under the treaty of Guadalupe Hidalgo, leaving a balance of $14,632,136.37 in the Treasury on the 1st day of July last. Since this latter period further purchases of the principal of the public debt have been made to the extent of $2,456,547.49, and the surplus in the Treasury will continue to be applied to that object whenever the stock can be procured within the limits as to price authorized by law.

The value of foreign merchandise imported during the last fiscal year was $207,240,101, and the value of domestic productions exported was $149,861,911, besides $17,204,026 of foreign merchandise exported, making the aggregate of the entire exports $167,065,937. Exclusive of the above, there was exported $42,507,285 in specie, and imported from foreign ports $5,262,643.

In my first annual message to Congress I called your attention to what seemed to me some defects in the present tariff, and recommended such modifications as in my judgment were best adapted to remedy its evils and promote the prosperity of the country. Nothing has since occurred to change my views on this important question.

Without repeating the arguments contained in my former message in favor of discriminating protective duties, I deem it my duty to call your attention to one or two other considerations affecting this subject. The first is the effect of large importations of foreign goods upon our currency. Most of the gold of California, as fast as it is coined, finds its way directly to Europe in payment for goods purchased. In the second place, as our manufacturing establishments are broken down by competition with foreigners, the capital invested in them is lost, thousands of honest and industrious citizens are thrown out of employment, and the farmer, to that extent, is deprived of a home market for the sale of his surplus produce. In the third place, the destruction of our manufactures leaves the foreigner without competition in our market, and he consequently raises the price of the article sent here for sale, as is now seen in the increased cost of iron imported from England. The prosperity and wealth of every nation must depend upon its productive industry. The farmer is stimulated to exertion by finding a ready market for his surplus products, and benefited by being able to exchange them without loss of time or expense of transportation for the manufactures which his comfort or convenience requires. This is always done to the best advantage where a portion of the community in which he lives is engaged in other pursuits. But most manufactures require an amount of capital and a practical skill which can not be commanded unless they be protected for a time from ruinous competition from abroad. Hence the necessity of laying those duties upon imported goods which the Constitution authorizes for revenue in such a manner as to protect and encourage the labor

of our own citizens. Duties, however, should not be fixed at a rate so high as to exclude the foreign article, but should be so graduated as to enable the domestic manufacturer fairly to compete with the foreigner in our own markets, and by this competition to reduce the price of the manufactured article to the consumer to the lowest rate at which it can be produced. This policy would place the mechanic by the side of the farmer, create a mutual interchange of their respective commodities, and thus stimulate the industry of the whole country and render us independent of foreign nations for the supplies required by the habits or necessities of the people.

Another question, wholly independent of protection, presents itself, and that is, whether the duties levied should be upon the value of the article at the place of shipment, or, where it is practicable, a specific duty, graduated according to quantity, as ascertained by weight or measure. All our duties are at present *ad valorem*. A certain percentage is levied on the price of the goods at the port of shipment in a foreign country. Most commercial nations have found it indispensable, for the purpose of preventing fraud and perjury, to make the duties specific whenever the article is of such a uniform value in weight or measure as to justify such a duty. Legislation should never encourage dishonesty or crime. It is impossible that the revenue officers at the port where the goods are entered and the duties paid should know with certainty what they cost in the foreign country. Yet the law requires that they should levy the duty according to such cost. They are therefore compelled to resort to very unsatisfactory evidence to ascertain what that cost was. They take the invoice of the importer, attested by his oath, as the best evidence of which the nature of the case admits. But everyone must see that the invoice may be fabricated and the oath by which it is supported false, by reason of which the dishonest importer pays a part only of the duties which are paid by the honest one, and thus indirectly receives from the Treasury of the United States a reward for his fraud and perjury. The reports of the Secretary of the Treasury heretofore made on this subject show conclusively that these frauds have been practiced to a great extent. The tendency is to destroy that high moral character for which our merchants have long been distinguished, to defraud the Government of its revenue, to break down the honest importer by a dishonest competition, and, finally, to transfer the business of importation to foreign and irresponsible agents, to the great detriment of our own citizens. I therefore again most earnestly recommend the adoption of specific duties wherever it is practicable, or a home valuation, to prevent these frauds.

I would also again call your attention to the fact that the present tariff in some cases imposes a higher duty upon the raw material imported than upon the article manufactured from it, the consequence of which is that the duty operates to the encouragement of the foreigner and the discouragement of our own citizens.

For full and detailed information in regard to the general condition of our Indian affairs, I respectfully refer you to the report of the Secretary of the Interior and the accompanying documents.

The Senate not having thought proper to ratify the treaties which have been negotiated with the tribes of Indians in California and Oregon, our relations with them have been left in a very unsatisfactory condition.

In other parts of our territory particular districts of country have been set apart for the exclusive occupation of the Indians, and their right to the lands within those limits has been acknowledged and respected. But in California and Oregon there has been no recognition by the Government of the exclusive right of the Indians to any part of the country. They are therefore mere tenants at sufferance, and liable to be driven from place to place at the pleasure of the whites.

The treaties which have been rejected proposed to remedy this evil by allotting to the different tribes districts of country suitable to their habits of life and sufficient for their support. This provision, more than any other, it is believed, led to their rejection; and as no substitute for it has been adopted by Congress, it has not been deemed advisable to attempt to enter into new treaties of a permanent character, although no effort has been spared by temporary arrangements to preserve friendly relations with them.

If it be the desire of Congress to remove them from the country altogether, or to assign to them particular districts more remote from the settlements of the whites, it will be proper to set apart by law the territory which they are to occupy and to provide the means necessary for removing them to it. Justice alike to our own citizens and to the Indians requires the prompt action of Congress on this subject.

The amendments proposed by the Senate to the treaties which were negotiated with the Sioux Indians of Minnesota have been submitted to the tribes who were parties to them, and have received their assent. A large tract of valuable territory has thus been opened for settlement and cultivation, and all danger of collision with these powerful and warlike bands has been happily removed.

The removal of the remnant of the tribe of Seminole Indians from Florida has long been a cherished object of the Government, and it is one to which my attention has been steadily directed. Admonished by past experience of the difficulty and cost of the attempt to remove them by military force, resort has been had to conciliatory measures. By the invitation of the Commissioner of Indian Affairs, several of the principal chiefs recently visited Washington, and whilst here acknowledged in writing the obligation of their tribe to remove with the least possible delay. Late advices from the special agent of the Government represent that they adhere to their promise, and that a council of their people has been called to make their preliminary arrangements. A general emigration may therefore be confidently expected at an early day.

The report from the General Land Office shows increased activity in its operations. The survey of the northern boundary of Iowa has been completed with unexampled dispatch. Within the last year 9,522,953 acres of public land have been surveyed and 8,032,463 acres brought into market.

	Acres.
In the last fiscal year there were sold	1,553,071
Located with bounty-land warrants	3,201,314
Located with other certificates	115,682
Making a total of	4,870,067
In addition there were—	
Reported under swamp-land grants	5,219,188
For internal improvements, railroads, etc	3,025,920
Making an aggregate of	13,115,175

Being an increase of the amount sold and located under land warrants of 569,220 acres over the previous year.

The whole amount thus sold, located under land warrants, reported under swamp-land grants, and selected for internal improvements exceeds that of the previous year by 3,342,372 acres; and the sales would without doubt have been much larger but for the extensive reservations for railroads in Missouri, Mississippi, and Alabama.

	Acres.
For the quarter ending 30th September, 1852, there were sold	243,255
Located with bounty-land warrants	1,387,116
Located with other certificates	15,649
Reported under swamp-land grants	2,485,233
Making an aggregate for the quarter of	4,131,253

Much the larger portion of the labor of arranging and classifying the returns of the last census has been finished, and it will now devolve upon Congress to make the necessary provision for the publication of the results in such form as shall be deemed best. The apportionment of representation on the basis of the new census has been made by the Secretary of the Interior in conformity with the provisions of law relating to that subject, and the recent elections have been made in accordance with it.

I commend to your favorable regard the suggestion contained in the report of the Secretary of the Interior that provision be made by law for the publication and distribution, periodically, of an analytical digest of all the patents which have been or may hereafter be granted for useful inventions and discoveries, with such descriptions and illustrations as may be necessary to present an intelligible view of their nature and operation. The cost of such publication could easily be defrayed out of the patent fund, and I am persuaded that it could be applied to no object more acceptable to inventors and beneficial to the public at large.

An appropriation of $100,000 having been made at the last session for the purchase of a suitable site and for the erection, furnishing, and fitting up of an asylum for the insane of the District of Columbia and of the Army and Navy of the United States, the proper measures have been adopted to carry this beneficent purpose into effect.

By the latest advices from the Mexican boundary commission it appears that the survey of the river Gila from its confluence with the Colorado to its supposed intersection with the western line of New Mexico has been completed. The survey of the Rio Grande has also been finished from the point agreed on by the commissioners as "the point where it strikes the southern boundary of New Mexico" to a point 135 miles below Eagle Pass, which is about two-thirds of the distance along the course of the river to its mouth.

The appropriation which was made at the last session of Congress for the continuation of the survey is subject to the following proviso:

Provided, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established by the commissioner and surveyor of the United States farther north of the town called "Paso" than the same is laid down in Disturnell's map, which is added to the treaty.

My attention was drawn to this subject by a report from the Department of the Interior, which reviewed all the facts of the case and submitted for my decision the question whether under existing circumstances any part of the appropriation could be lawfully used or expended for the further prosecution of the work. After a careful consideration of the subject I came to the conclusion that it could not, and so informed the head of that Department. Orders were immediately issued by him to the commissioner and surveyor to make no further requisitions on the Department, as they could not be paid, and to discontinue all operations on the southern line of New Mexico. But as the Department had no exact information as to the amount of provisions and money which remained unexpended in the hands of the commissioner and surveyor, it was left discretionary with them to continue the survey down the Rio Grande as far as the means at their disposal would enable them or at once to disband the commission. A special messenger has since arrived from the officer in charge of the survey on the river with information that the funds subject to his control were exhausted and that the officers and others employed in the service were destitute alike of the means of prosecuting the work and of returning to their homes.

The object of the proviso was doubtless to arrest the survey of the southern and western lines of New Mexico, in regard to which different opinions have been expressed; for it is hardly to be supposed that there could be any objection to that part of the line which extends along the channel of the Rio Grande. But the terms of the law are so broad as to forbid the use of any part of the money for the prosecution of the work, or even for the payment to the officers and agents of the arrearages of pay which are justly due to them.

I earnestly invite your prompt attention to this subject, and recommend a modification of the terms of the proviso, so as to enable the Department to use as much of the appropriation as will be necessary to

discharge the existing obligations of the Government and to complete the survey of the Rio Grande to its mouth.

It will also be proper to make further provision by law for the fulfillment of our treaty with Mexico for running and marking the residue of the boundary line between the two countries.

Permit me to invite your particular attention to the interests of the District of Columbia, which are confided by the Constitution to your peculiar care.

Among the measures which seem to me of the greatest importance to its prosperity are the introduction of a copious supply of water into the city of Washington and the construction of suitable bridges across the Potomac to replace those which were destroyed by high water in the early part of the present year.

At the last session of Congress an appropriation was made to defray the cost of the surveys necessary for determining the best means of affording an unfailing supply of good and wholesome water. Some progress has been made in the survey, and as soon as it is completed the result will be laid before you.

Further appropriations will also be necessary for grading and paving the streets and avenues and inclosing and embellishing the public grounds within the city of Washington.

I commend all these objects, together with the charitable institutions of the District, to your favorable regard.

Every effort has been made to protect our frontier and that of the adjoining Mexican States from the incursions of the Indian tribes. Of about 11,000 men of which the Army is composed, nearly 8,000 are employed in the defense of the newly acquired territory (including Texas) and of emigrants proceeding thereto. I am gratified to say that these efforts have been unusually successful. With the exception of some partial outbreaks in California and Oregon and occasional depredations on a portion of the Rio Grande, owing, it is believed, to the disturbed state of that border region, the inroads of the Indians have been effectually restrained.

Experience has shown, however, that whenever the two races are brought into contact collisions will inevitably occur. To prevent these collisions the United States have generally set apart portions of their territory for the exclusive occupation of the Indian tribes. A difficulty occurs, however, in the application of this policy to Texas. By the terms of the compact by which that State was admitted into the Union she retained the ownership of all the vacant lands within her limits. The government of that State, it is understood, has assigned no portion of her territory to the Indians, but as fast as her settlements advance lays it off into counties and proceeds to survey and sell it. This policy manifestly tends not only to alarm and irritate the Indians, but to compel them to resort to plunder for subsistence. It also deprives this

Government of that influence and control over them without which no durable peace can ever exist between them and the whites. I trust, therefore, that a due regard for her own interests, apart from considerations of humanity and justice, will induce that State to assign a small portion of her vast domain for the provisional occupancy of the small remnants of tribes within her borders, subject, of course, to her ownership and eventual jurisdiction. If she should fail to do this, the fulfillment of our treaty stipulations with Mexico and our duty to the Indians themselves will, it is feared, become a subject of serious embarrassment to the Government. It is hoped, however, that a timely and just provision by Texas may avert this evil.

No appropriations for fortifications were made at the two last sessions of Congress. The cause of this omission is probably to be found in a growing belief that the system of fortifications adopted in 1816, and heretofore acted on, requires revision.

The subject certainly deserves full and careful investigation, but it should not be delayed longer than can be avoided. In the meantime there are certain works which have been commenced, some of them nearly completed, designed to protect our principal seaports from Boston to New Orleans and a few other important points. In regard to the necessity for these works, it is believed that little difference of opinion exists among military men. I therefore recommend that the appropriations necessary to prosecute them be made.

I invite your attention to the remarks on this subject and on others connected with his Department contained in the accompanying report of the Secretary of War.

Measures have been taken to carry into effect the law of the last session making provision for the improvement of certain rivers and harbors, and it is believed that the arrangements made for that purpose will combine efficiency with economy. Owing chiefly to the advanced season when the act was passed, little has yet been done in regard to many of the works beyond making the necessary preparations. With respect to a few of the improvements, the sums already appropriated will suffice to complete them; but most of them will require additional appropriations. I trust that these appropriations will be made, and that this wise and beneficent policy, so auspiciously resumed, will be continued. Great care should be taken, however, to commence no work which is not of sufficient importance to the commerce of the country to be viewed as national in its character. But works which have been commenced should not be discontinued until completed, as otherwise the sums expended will in most cases be lost.

The report from the Navy Department will inform you of the prosperous condition of the branch of the public service committed to its charge. It presents to your consideration many topics and suggestions of which I ask your approval. It exhibits an unusual degree of activity

in the operations of the Department during the past year. The preparations for the Japan expedition, to which I have already alluded; the arrangements made for the exploration and survey of the China Seas, the Northern Pacific, and Behrings Straits; the incipient measures taken toward a reconnoissance of the continent of Africa eastward of Liberia; the preparation for an early examination of the tributaries of the river La Plata, which a recent decree of the provisional chief of the Argentine Confederation has opened to navigation—all these enterprises and the means by which they are proposed to be accomplished have commanded my full approbation, and I have no doubt will be productive of most useful results.

Two officers of the Navy were heretofore instructed to explore the whole extent of the Amazon River from the confines of Peru to its mouth. The return of one of them has placed in the possession of the Government an interesting and valuable account of the character and resources of a country abounding in the materials of commerce, and which if opened to the industry of the world will prove an inexhaustible fund of wealth. The report of this exploration will be communicated to you as soon as it is completed.

Among other subjects offered to your notice by the Secretary of the Navy, I select for special commendation, in view of its connection with the interests of the Navy, the plan submitted by him for the establishment of a permanent corps of seamen and the suggestions he has presented for the reorganization of the Naval Academy.

In reference to the first of these, I take occasion to say that I think it will greatly improve the efficiency of the service, and that I regard it as still more entitled to favor for the salutary influence it must exert upon the naval discipline, now greatly disturbed by the increasing spirit of insubordination resulting from our present system. The plan proposed for the organization of the seamen furnishes a judicious substitute for the law of September, 1850, abolishing corporal punishment, and satisfactorily sustains the policy of that act under conditions well adapted to maintain the authority of command and the order and security of our ships. It is believed that any change which proposes permanently to dispense with this mode of punishment should be preceded by a system of enlistment which shall supply the Navy with seamen of the most meritorious class, whose good deportment and pride of character may preclude all occasion for a resort to penalties of a harsh or degrading nature. The safety of a ship and her crew is often dependent upon immediate obedience to a command, and the authority to enforce it must be equally ready. The arrest of a refractory seaman in such moments not only deprives the ship of indispensable aid, but imposes a necessity for double service on others, whose fidelity to their duties may be relied upon in such an emergency. The exposure to this increased and arduous labor since the passage of the act of 1850 has already had, to a most observable and

injurious extent, the effect of preventing the enlistment of the best seamen in the Navy. The plan now suggested is designed to promote a condition of service in which this objection will no longer exist. The details of this plan may be established in great part, if not altogether, by the Executive under the authority of existing laws, but I have thought it proper, in accordance with the suggestion of the Secretary of the Navy, to submit it to your approval.

The establishment of a corps of apprentices for the Navy, or boys to be enlisted until they become of age, and to be employed under such regulations as the Navy Department may devise, as proposed in the report, I cordially approve and commend to your consideration; and I also concur in the suggestion that this system for the early training of seamen may be most usefully ingrafted upon the service of our merchant marine.

The other proposition of the report to which I have referred—the reorganization of the Naval Academy—I recommend to your attention as a project worthy of your encouragement and support. The valuable services already rendered by this institution entitle it to the continuance of your fostering care.

Your attention is respectfully called to the report of the Postmaster-General for the detailed operation of his Department during the last fiscal year, from which it will be seen that the receipts from postages for that time were less by $1,431,696 than for the preceding fiscal year, being a decrease of about 23 per cent.

This diminution is attributable to the reduction in the rates of postage made by the act of March 3, 1851, which reduction took effect at the commencement of the last fiscal year.

Although in its operation during the last year the act referred to has not fulfilled the predictions of its friends by increasing the correspondence of the country in proportion to the reduction of postage, I should, nevertheless, question the policy of returning to higher rates. Experience warrants the expectation that as the community becomes accustomed to cheap postage correspondence will increase. It is believed that from this cause and from the rapid growth of the country in population and business the receipts of the Department must ultimately exceed its expenses, and that the country may safely rely upon the continuance of the present cheap rate of postage.

In former messages I have, among other things, respectfully recommended to the consideration of Congress the propriety and necessity of further legislation for the protection and punishment of foreign consuls residing in the United States; to revive, with certain modifications, the act of 10th March, 1838, to restrain unlawful military expeditions against the inhabitants of conterminous states or territories; for the preservation and protection from mutilation or theft of the papers, records, and archives of the nation; for authorizing the surplus revenue to be applied

to the payment of the public debt in advance of the time when it will become due; for the establishment of land offices for the sale of the public lands in California and the Territory of Oregon; for the construction of a road from the Mississippi Valley to the Pacific Ocean; for the establishment of a bureau of agriculture for the promotion of that interest, perhaps the most important in the country; for the prevention of frauds upon the Government in applications for pensions and bounty lands; for the establishment of a uniform fee bill, prescribing a specific compensation for every service required of clerks, district attorneys, and marshals; for authorizing an additional regiment of mounted men for the defense of our frontiers against the Indians and for fulfilling our treaty stipulations with Mexico to defend her citizens against the Indians "with equal diligence and energy as our own;" for determining the relative rank between the naval and civil officers in our public ships and between the officers of the Army and Navy in the various grades of each; for reorganizing the naval establishment by fixing the number of officers in each grade, and providing for a retired list upon reduced pay of those unfit for active duty; for prescribing and regulating punishments in the Navy; for the appointment of a commission to revise the public statutes of the United States by arranging them in order, supplying deficiencies, correcting incongruities, simplifying their language, and reporting them to Congress for its final action; and for the establishment of a commission to adjudicate and settle private claims against the United States. I am not aware, however, that any of these subjects have been finally acted upon by Congress. Without repeating the reasons for legislation on these subjects which have been assigned in former messages, I respectfully recommend them again to your favorable consideration.

I think it due to the several Executive Departments of this Government to bear testimony to the efficiency and integrity with which they are conducted. With all the careful superintendence which it is possible for the heads of those Departments to exercise, still the due administration and guardianship of the public money must very much depend on the vigilance, intelligence, and fidelity of the subordinate officers and clerks, and especially on those intrusted with the settlement and adjustment of claims and accounts. I am gratified to believe that they have generally performed their duties faithfully and well. They are appointed to guard the approaches to the public Treasury, and they occupy positions that expose them to all the temptations and seductions which the cupidity of peculators and fraudulent claimants can prompt them to employ. It will be but a wise precaution to protect the Government against that source of mischief and corruption, as far as it can be done, by the enactment of all proper legal penalties. The laws in this respect are supposed to be defective, and I therefore deem it my duty to call your attention to the subject and to recommend that provision be made by law for the punishment not only of those who shall accept bribes, but also of those

who shall either promise, give, or offer to give to any of those officers or clerks a bribe or reward touching or relating to any matter of their official action or duty.

It has been the uniform policy of this Government, from its foundation to the present day, to abstain from all interference in the domestic affairs of other nations. The consequence has been that while the nations of Europe have been engaged in desolating wars our country has pursued its peaceful course to unexampled prosperity and happiness. The wars in which we have been compelled to engage in defense of the rights and honor of the country have been, fortunately, of short duration. During the terrific contest of nation against nation which succeeded the French Revolution we were enabled by the wisdom and firmness of President Washington to maintain our neutrality. While other nations were drawn into this wide-sweeping whirlpool, we sat quiet and unmoved upon our own shores. While the flower of their numerous armies was wasted by disease or perished by hundreds of thousands upon the battlefield, the youth of this favored land were permitted to enjoy the blessings of peace beneath the paternal roof. While the States of Europe incurred enormous debts, under the burden of which their subjects still groan, and which must absorb no small part of the product of the honest industry of those countries for generations to come, the United States have once been enabled to exhibit the proud spectacle of a nation free from public debt, and if permitted to pursue our prosperous way for a few years longer in peace we may do the same again.

But it is now said by some that this policy must be changed. Europe is no longer separated from us by a voyage of months, but steam navigation has brought her within a few days' sail of our shores. We see more of her movements and take a deeper interest in her controversies. Although no one proposes that we should join the fraternity of potentates who have for ages lavished the blood and treasure of their subjects in maintaining "the balance of power," yet it is said that we ought to interfere between contending sovereigns and their subjects for the purpose of overthrowing the monarchies of Europe and establishing in their place republican institutions. It is alleged that we have heretofore pursued a different course from a sense of our weakness, but that now our conscious strength dictates a change of policy, and that it is consequently our duty to mingle in these contests and aid those who are struggling for liberty.

This is a most seductive but dangerous appeal to the generous sympathies of freemen. Enjoying, as we do, the blessings of a free Government, there is no man who has an American heart that would not rejoice to see these blessings extended to all other nations. We can not witness the struggle between the oppressed and his oppressor anywhere without the deepest sympathy for the former and the most anxious desire for his triumph. Nevertheless, is it prudent or is it wise to involve ourselves in these foreign wars? Is it indeed true that we have heretofore refrained

from doing so merely from the degrading motive of a conscious weakness? For the honor of the patriots who have gone before us, I can not admit it. Men of the Revolution, who drew the sword against the oppressions of the mother country and pledged to Heaven "their lives, their fortunes, and their sacred honor" to maintain their freedom, could never have been actuated by so unworthy a motive. They knew no weakness or fear where right or duty pointed the way, and it is a libel upon their fair fame for us, while we enjoy the blessings for which they so nobly fought and bled, to insinuate it. The truth is that the course which they pursued was dictated by a stern sense of international justice, by a statesmanlike prudence and a far-seeing wisdom, looking not merely to the present necessities but to the permanent safety and interest of the country. They knew that the world is governed less by sympathy than by reason and force; that it was not possible for this nation to become a "propagandist" of free principles without arraying against it the combined powers of Europe, and that the result was more likely to be the overthrow of republican liberty here than its establishment there. History has been written in vain for those who can doubt this. France had no sooner established a republican form of government than she manifested a desire to force its blessings on all the world. Her own historian informs us that, hearing of some petty acts of tyranny in a neighboring principality, "the National Convention declared that she would afford succor and fraternity to all nations who wished to recover their liberty, and she gave it in charge to the executive power to give orders to the generals of the French armies to aid all citizens who might have been or should be oppressed in the cause of liberty." Here was the false step which led to her subsequent misfortunes. She soon found herself involved in war with all the rest of Europe. In less than ten years her Government was changed from a republic to an empire, and finally, after shedding rivers of blood, foreign powers restored her exiled dynasty and exhausted Europe sought peace and repose in the unquestioned ascendency of monarchical principles. Let us learn wisdom from her example. Let us remember that revolutions do not always establish freedom. Our own free institutions were not the offspring of our Revolution. They existed before. They were planted in the free charters of self-government under which the English colonies grew up, and our Revolution only freed us from the dominion of a foreign power whose government was at variance with those institutions. But European nations have had no such training for self-government, and every effort to establish it by bloody revolutions has been, and must without that preparation continue to be, a failure. Liberty unregulated by law degenerates into anarchy, which soon becomes the most horrid of all despotisms. Our policy is wisely to govern ourselves, and thereby to set such an example of national justice, prosperity, and true glory as shall teach to all nations the blessings of self-government and the unparalleled enterprise and success of a free people.

We live in an age of progress, and ours is emphatically a country of progress. Within the last half century the number of States in this Union has nearly doubled, the population has almost quadrupled, and our boundaries have been extended from the Mississippi to the Pacific. Our territory is checkered over with railroads and furrowed with canals. The inventive talent of our country is excited to the highest pitch, and the numerous applications for patents for valuable improvements distinguish this age and this people from all others. The genius of one American has enabled our commerce to move against wind and tide and that of another has annihilated distance in the transmission of intelligence. The whole country is full of enterprise. Our common schools are diffusing intelligence among the people and our industry is fast accumulating the comforts and luxuries of life. This is in part owing to our peculiar position, to our fertile soil and comparatively sparse population; but much of it is also owing to the popular institutions under which we live, to the freedom which every man feels to engage in any useful pursuit according to his taste or inclination, and to the entire confidence that his person and property will be protected by the laws. But whatever may be the cause of this unparalleled growth in population, intelligence, and wealth, one thing is clear—that the Government must keep pace with the progress of the people. It must participate in their spirit of enterprise, and while it exacts obedience to the laws and restrains all unauthorized invasions of the rights of neighboring states, it should foster and protect home industry and lend its powerful strength to the improvement of such means of intercommunication as are necessary to promote our internal commerce and strengthen the ties which bind us together as a people.

It is not strange, however much it may be regretted, that such an exuberance of enterprise should cause some individuals to mistake change for progress and the invasion of the rights of others for national prowess and glory. The former are constantly agitating for some change in the organic law, or urging new and untried theories of human rights. The latter are ever ready to engage in any wild crusade against a neighboring people, regardless of the justice of the enterprise and without looking at the fatal consequences to ourselves and to the cause of popular government. Such expeditions, however, are often stimulated by mercenary individuals, who expect to share the plunder or profit of the enterprise without exposing themselves to danger, and are led on by some irresponsible foreigner, who abuses the hospitality of our own Government by seducing the young and ignorant to join in his scheme of personal ambition or revenge under the false and delusive pretense of extending the area of freedom. These reprehensible aggressions but retard the true progress of our nation and tarnish its fair fame. They should therefore receive the indignant frowns of every good citizen who sincerely loves his country and takes a pride in its prosperity and honor.

Our Constitution, though not perfect, is doubtless the best that ever was formed. Therefore let every proposition to change it be well weighed and, if found beneficial, cautiously adopted. Every patriot will rejoice to see its authority so exerted as to advance the prosperity and honor of the nation, whilst he will watch with jealousy any attempt to mutilate this charter of our liberties or pervert its powers to acts of aggression or injustice. Thus shall conservatism and progress blend their harmonious action in preserving the form and spirit of the Constitution and at the same time carry forward the great improvements of the country with a rapidity and energy which freemen only can display.

In closing this my last annual communication, permit me, fellow-citizens, to congratulate you on the prosperous condition of our beloved country. Abroad its relations with all foreign powers are friendly, its rights are respected, and its high place in the family of nations cheerfully recognized. At home we enjoy an amount of happiness, public and private, which has probably never fallen to the lot of any other people. Besides affording to our own citizens a degree of prosperity of which on so large a scale I know of no other instance, our country is annually affording a refuge and a home to multitudes, altogether without example, from the Old World.

We owe these blessings, under Heaven, to the happy Constitution and Government which were bequeathed to us by our fathers, and which it is our sacred duty to transmit in all their integrity to our children. We must all consider it a great distinction and privilege to have been chosen by the people to bear a part in the administration of such a Government. Called by an unexpected dispensation to its highest trust at a season of embarrassment and alarm, I entered upon its arduous duties with extreme diffidence. I claim only to have discharged them to the best of an humble ability, with a single eye to the public good, and it is with devout gratitude in retiring from office that I leave the country in a state of peace and prosperity.

MILLARD FILLMORE.

SPECIAL MESSAGES.

WASHINGTON, *December 7, 1852.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation, between the United States and the Oriental Republic of Uruguay, signed at Montevideo on the 28th of August last.

MILLARD FILLMORE.

WASHINGTON, *December 8, 1852.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article, signed in this city on the 16th ultimo, to the convention for the mutual delivery of criminals fugitives from justice in certain cases between the United States on the one part and Prussia and other States of the Germanic Confederation on the other part, concluded on the 15th of June, 1852.

MILLARD FILLMORE.

WASHINGTON, *January 4, 1853.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 30th ultimo, requesting information in regard to the establishment of a new British colony in Central America, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *January 4, 1853.*

To the Senate of the United States:

In answer to the Senate's resolution of the 3d instant, calling for information relative to a proposed tripartite convention on the subject of the island of Cuba, I transmit to the Senate a report from the Secretary of State and the papers which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *January 12, 1853.*

To the Senate of the United States:

In pursuance of the eleventh article of the treaty with the Chickasaw Indians signed on the 20th day of October, 1832, I herewith transmit a recommendation from the Secretary of the Treasury for the investment of a portion of the funds belonging to said nation, for the purpose of obtaining the advice and consent of the Senate to make the investment as therein recommended.

MILLARD FILLMORE.

WASHINGTON, *January 12, 1853.*

To the Senate of the United States:

In reply to the resolution of your honorable body of the 5th instant, I herewith communicate a report of the Secretary of the Interior giving the information* required.

MILLARD FILLMORE.

* Relating to the Mexican boundary commission.

To the Senate of the United States:

In answer to the resolution of the Senate dated the 13th ultimo, requesting further information in regard to the imprisonment of the United States consul and of other American citizens in the castle at Acapulco, I transmit a report from the Secretary of State and the documents by which it is accompanied.

MILLARD FILLMORE.

JANUARY 17, 1853.

WASHINGTON, *January 17, 1853.*

To the Senate and House of Representatives:

I transmit herewith a communication lately received at the Department of State from the minister of Her Most Catholic Majesty, accompanied by a letter of instructions from the Spanish Government relative to the case of the *Amistad.* In Mr. Calderon's communication reference is had to former letters addressed by him to the Department of State on the same subject, copies of which are herewith transmitted, and an earnest wish is expressed that a final settlement of this long-pending claim should be made. The tone of the letter of instructions from Mr. Manuel Bertran de Lis is somewhat more peremptory than could be wished, but this circumstance will not, probably, prevent Congress from giving his suggestions the attention to which they may be entitled.

The claim of the Spanish Government on behalf of its subjects interested in the *Amistad* was the subject of discussion during the Administration of President Tyler between the Spanish minister and Mr. Webster, then Secretary of State. In an elaborate letter of the latter, addressed to the Chevalier d'Argais on the 1st of September, 1841, the opinion is confidently maintained that the claim is unfounded. The Administration of President Polk took a different view of the matter. The justice of the claim was recognized in a letter from the Department of State to the Spanish minister of the 19th of March, 1847, and in his annual message of the same year the President recommended its payment.

Under these circumstances the attention of Congress is again invited to the subject. Respect to the Spanish Government demands that its urgent representation should be candidly and impartially weighed. If Congress should be of opinion that the claim is just, every consideration points to the propriety of its prompt recognition and payment, and if the two Houses should come to the opposite conclusion it is equally desirable that the result should be announced without unnecessary delay.

MILLARD FILLMORE.

WASHINGTON, *January 18, 1853.*

To the Senate and House of Representatives of the United States:

I have the honor herewith to transmit a report from the Secretary of the Interior, from which it appears that the efforts of that Department

to induce the Indians remaining in Florida to migrate to the country assigned to their tribe west of the Mississippi have been entirely unsuccessful. The only alternative that now remains is either to compel them by force to comply with the treaty made with the tribe in May, 1832, by which they agreed to migrate within three years from that date, or allow the arrangement made with them in 1842, referred to in the Secretary's report, by which they were permitted to remain in the temporary occupancy of a portion of the peninsula until the Government should see fit to remove them, to continue.

It can not be denied that the withholding so large a portion of her territory from settlement is a source of injury to the State of Florida; and although, ever since the arrangement above referred to, the Indians have manifested a desire to remain at peace with the whites, the presence of a people who may at any time and upon any real or fancied provocation be driven to acts of hostility is a source of constant anxiety and alarm to the inhabitants on that border.

There can be no doubt, also, that the welfare of the Indians would be promoted by their removal from a territory where frequent collisions between them and their more powerful neighbors are daily becoming more inevitable.

On the other hand, there is every reason to believe that any manifestation of a design to remove them by force or to take possession of the territory allotted to them would be immediately retaliated by acts of cruelty on the defenseless inhabitants.

The number of Indians now remaining in the State is, it is true, very inconsiderable (not exceeding, it is believed, 500), but owing to the extent of the country occupied by them and its adaptation to their peculiar mode of warfare, a force very disproportioned to their numbers would be necessary to capture them, or even to protect the white settlements from their incursions. The military force now stationed in that State would be inadequate to these objects, and if it should be determined to enforce their removal or to survey the territory allotted to them some addition to it would be necessary, as the Government has but a small force available for that service. Additional appropriations for the support of the Army would also, in that event, be necessary.

For these reasons I have deemed it proper to submit the whole matter to Congress, for such action as they may deem best.

MILLARD FILLMORE.

WASHINGTON, *January 19, 1853.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 27th ultimo, requesting information relative to the claims on Spain in the cases

of the bark *Georgiana* and the brig *Susan Loud*, I transmit a report from the Secretary of State, to whom the resolution was referred.

MILLARD FILLMORE.

WASHINGTON, *January 21, 1853.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 10th instant, requesting certain correspondence relative to Central America, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *January 24, 1853.*

To the House of Representatives of the United States:

In obedience to a resolution of your honorable body of December 27, 1852, in reference to claims of custom-house officers for additional pay, I have the honor herewith to transmit a report from the Secretary of the Treasury giving the desired information; and in answer to the seventh interrogatory, asking "whether in my opinion further legislation is necessary or advisable either to protect the Treasury from unjust claims or to secure to the claimants their just rights," I would state that in my opinion no further legislation is necessary to effect either object. My views on this subject will be more fully seen on reference to an opinion given by me to the Secretary of the Treasury, a copy of which is annexed to his report.

MILLARD FILLMORE.

WASHINGTON, *January 24, 1853.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 14th instant, relative to the award of the Emperor Louis Napoleon, of France, in the case of the brig *General Armstrong*, I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *January 27, 1853.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 13th instant, requesting a copy of correspondence and other documents relative to Nicaragua, Costa Rica, and the territory claimed by the Mosquito Indians, I transmit a report of the Secretary of State, to whom the resolution was referred.

MILLARD FILLMORE.

WASHINGTON, *January 27, 1853.*

To the House of Representatives:

Since my last message to your honorable body, communicating a report from the Treasury Department, in answer to your resolution of the 3d instant [27th ultimo?], in reference to the compensation of weighers and gaugers, further communications on that subject have been received from New Orleans, which have just been reported to me by the Secretary of the Treasury and which I deem it my duty to communicate to the House.

MILLARD FILLMORE.

WASHINGTON, *February 3, 1853.*

To the Senate of the United States:

I transmit herewith to the Senate in a new draft the convention with the Swiss Confederation, originally negotiated at Berne and concluded in that city on the 25th of November, 1850. On the 7th of March, 1851, it was considered by the Senate of the United States, whose assent was given to it with certain amendments, as will appear from the Journal of the Senate of that day. The convention was sent back to Switzerland with these alterations, which were taken into consideration by the Government of that Confederation, whose action in the premises will be learned by a letter from its President of the 5th of July, 1852.

The modifications which the Government of the Swiss Confederation are desirous of introducing into the amendments made by the Senate of the United States and the articles affected by them are not inconsistent with the object and spirit of those amendments, and appear to me to proceed upon a reasonable principle of compromise.

I have thought it expedient, in submitting them to the Senate with a view to their advice and consent to the ratification of the treaty in its present form, to have the entire instrument taken into a continuous draft, as well the portions—by far the greater part—already assented to by the Senate as the modifications proposed by the Government of the Swiss Confederation in reference to these amendments. In preparing the new draft a few slight alterations have been made in the modifications proposed by the Swiss Government.

Should the convention receive the approbation of the Senate in its present form, it will be immediately transmitted to Switzerland for ratification by the Swiss Confederation.

The delays which have taken place in the negotiation of this treaty have been principally caused by the want of a resident diplomatic agent of the United States at Berne, and are among the reasons for which an appropriation for a chargé d'affaires to that Government has recently, by my direction, been recommended in a letter from the Department of State to the chairman of the Committee on Foreign Relations of the Senate.

MILLARD FILLMORE.

WASHINGTON, *February 3, 1853.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 11th ultimo, asking for information with regard to the execution of the postal convention between the United States and Great Britain, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *February 7, 1853.*

To the Senate and House of Representatives:

Having in my message to Congress at the opening of the session adverted to the pending negotiations between this Government and that of Great Britain relative to the fisheries and commercial reciprocity with the British American Provinces, I transmit for the information of Congress the accompanying report from the Department of State on the present state of the negotiations, and I respectfully invite the attention of the two Houses to the suggestion in the latter part of the report.

MILLARD FILLMORE.

WASHINGTON, *February 9, 1853.*

To the Senate and House of Representatives:

I herewith transmit a communication from the Secretary of the Navy, accompanied by the first part of Lieutenant Herndon's report of the exploration of the valley of the Amazon and its tributaries, made by him in connection with Lieutenant Lardner Gibbon, under instructions from the Navy Department.

MILLARD FILLMORE.

WASHINGTON, *February 14, 1853.*

To the Senate of the United States:

I herewith communicate to the Senate, for its consideration with a view to ratification, a convention on the subject of the extradition of fugitives from justice between the United States and Belgium, concluded and signed in this city on the 11th instant by the respective plenipotentiaries.

MILLARD FILLMORE.

WASHINGTON, *February 18, 1853.*

To the Senate and House of Representatives:

I transmit a report from the Secretary of State, embodying the substance of recent communications made by the minister of Her Britannic Majesty to the Department of State on the subject of the interoceanic

canal by the Nicaragua route, which formed the chief object of the treaty between the United States and Great Britain of the 19th April, 1850, and the relations of Great Britain to the protectorate of Mosquito, which she expresses herself desirous of relinquishing on terms consistent with her honorable engagements to the Indians of that name.

In consequence of these communications and other considerations stated in the report, it is deemed advisable by the Department that our diplomatic relations with the States of Central America should be placed on a higher and more efficient footing, and this measure meets my approbation. The whole subject is one of so much delicacy and importance that I should have preferred, so near the close of my Administration, not to make it the subject of an Executive communication. But inasmuch as the measure proposed can not, even if deemed expedient by my successor, take effect for near a twelvemonth unless an appropriation is made by this Congress, I have thought it my duty to submit the report of the Department to the two Houses. The importance of the measure seemed to require an exposition somewhat in detail of the grounds on which it is recommended.

MILLARD FILLMORE.

WASHINGTON, *February 18, 1853.*

To the Senate of the United States:

I transmit to the Senate, with the view to its ratification, a convention which was yesterday concluded between the United States and Great Britain for the establishment of international copyright.

MILLARD FILLMORE.

WASHINGTON, *February 19, 1853.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 14th instant, relative to the fisheries on the coasts of Florida, I transmit herewith a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *February 21, 1853.*

To the Senate of the United States:

In compliance with your resolution of the 19th of February instant, I herewith communicate a report from the Secretary of War, containing the report of Lieutenant Meigs, of the Engineer Corps, on the surveys, projects, and estimates for supplying the cities of Washington and Georgetown with an unfailing and abundant supply of water.

MILLARD FILLMORE.

WASHINGTON, *February 21, 1853.*

To the Senate of the United States:

I have the honor to transmit herewith a report from the Secretary of the Treasury of the 21st instant, in reference to the reinvestment of certain moneys belonging to the Chickasaw Nation of Indians which will come into the Treasury during the succeeding vacation of the Senate, and I respectfully concur in the recommendation made by the Secretary.

MILLARD FILLMORE.

WASHINGTON, *February 23, 1853.*

To the Senate of the United States:

I transmit to the Senate, for advice and consent with a view to ratification, a convention between the United States and Her Britannic Majesty for the adjustment of certain claims of citizens of the United States on the British Government and of British subjects on the Government of the United States, signed in London on the 8th instant. Although it is stipulated by the terms of the first article of the convention that the commissioner on the part of this Government shall be appointed by the President of the United States, it is not understood that this stipulation was intended to dispense with the concurrence of the Senate in such appointment.

MILLARD FILLMORE.

WASHINGTON, *February 25, 1853.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a consular convention concluded in this city on the 23d instant between the United States and His Majesty the Emperor of the French.

MILLARD FILLMORE.

WASHINGTON, *February 26, 1853.*

To the Senate of the United States:

I transmit a copy of a proclamation of yesterday, which I deemed it advisable to issue, relative to an extraordinary session of the Senate on the 4th of March next.

MILLARD FILLMORE.

WASHINGTON, *February 28, 1853.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 17th January last, requesting information in regard to the fisheries on the coasts of the British North American Provinces, I transmit a report from the Secretary of State and the documents which accompanied it.

MILLARD FILLMORE.

WASHINGTON, *February 28, 1853.*

To the Senate of the United States:

I herewith transmit, for the consideration and advice of the Senate, a treaty recently entered into with the Apache Indians in New Mexico by Colonel Sumner and Mr. Greiner, acting on behalf of the United States, together with the letter of Colonel Sumner on the subject of the treaty and reports thereon from the Commissioner of Indian Affairs and the Secretary of the Interior.

MILLARD FILLMORE.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The attention of the President having been called to the proceedings of Congress at the close of its session on the 4th of March, 1851, from which it appears that the constitutional term of that body was held not to have expired until 12 o'clock at noon of that day, and a notice having been issued, agreeably to former usage, to convene the Senate at 11 o'clock a. m. on the 4th of March next, it is apparent that such call is in conflict with the decision aforesaid:

Now, therefore, as well for the purpose of removing all doubt as to the legality of such call as of establishing a precedent of what is deemed a proper mode of convening the Senate, I, Millard Fillmore, President of the United States, have considered it to be my duty to issue this my proclamation, revoking said call and hereby declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on Friday, the 4th day of March next, at 12 o'clock at noon of that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, this 25th day of February, A. D. 1853, and of the Independence of the United States the seventy-seventh.

[SEAL.]

MILLARD FILLMORE.

By the President:

EDWARD EVERETT,

Secretary of State.

QUESTIONS.

1. When does the constitutional term of a Congressman expire? Page 2727.

2. What reason did Fillmore give for not wanting Cuba as one of the United States? Page 2701.

3. What tripartite agreement did Great Britain and France invite the United States to join? Page 2701.

4. When and by whom was the first treaty for a canal across the Isthmus of Panama ratified? Page 2602.

5. What is the chief objection to *ad valorem* duties on imports? Pages 2621, 2706.

6. What is the penalty for organizing hostile military expeditions against foreign countries? Page 2652.

7. By what means did the Naval Observatory shorten the passage taken between Atlantic and Pacific ports? Page 2670.

8. Under what circumstances and by what authority may the President call the State militias into national service? Page 2640.

SUGGESTIONS.

The Clayton-Bulwer Treaty, negotiated by President Taylor, was ratified under Fillmore. Page 2617. (See Clayton-Bulwer Treaty, and Panama Canal, with references, Encyclopedic Index.)

Fillmore had to deal with the Cuban trouble. Pages 2649 and following, and 2700.

Note Fillmore's objection to the annexation of Cuba. Page 2701.

For further discussion of the Cuban situation by Fillmore, see Cuba, Encyclopedic Index.

Read Fillmore's Foreign Policy. Pages 2614, 2656, 2701, 2715.

NOTE.

For further suggestions on Fillmore's administration, see Fillmore, Millard, Encyclopedic Index.

By reading the Foreign Policy of each President, and by scanning the messages as to the state of the nation, a thorough knowledge of the history of the United States will be acquired from the most authentic sources; because, as has been said, "Each President reviews the past, depicts the present and forecasts the future of the nation."

Franklin Pierce

March 4, 1853, to March 4, 1857

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

Franklin Pierce

JANE APPLETON PIERCE

Jane Means Appleton, daughter of the President of Bowdoin College, and later wife of Franklin Pierce, was delicate in her physical and nervous organizations from early childhood. She was rendered more so, however, at the time of her husband's inauguration, by the death of their only remaining child, a son of fourteen, in a railway accident. Nevertheless she did not give way to her personal grief, but dispensed cordial hospitality from the White House, presiding at every function requiring her presence, and thus sustained her popular husband, although her own preference would have been for a more retired life. Unselfishness and great mental ability distinguished her; as she was a deeply religious woman, she materially influenced the Sabbath observances of the White House circle while presiding there. In 1857, after her husband's term expired, they went abroad for two years, but her health was not restored, and she died six years before her husband.

PIERCE

From the birth of Franklin Pierce on the 23d of November, 1804, to his election as President in November, 1853, a half century of American history was recorded, from which has been developed another half century of growth in unforeseen movements that are a natural and logical result of our institutions of government, and of the genius of our people. Mr. Pierce's Administration marked the turning point in this National progress. In the main, the discussion of the sovereignty of the several States was the engrossing political topic of the era that closed with his Administration of the Presidency. That discussion had two results. The sovereign rights of the States brought the Southern States under arms, as independent States, to defend the rights of the people, relating to slavery, under the Constitution, and the Northern States into battle array, to sustain the principles stated in the Declaration of Independence.

There was congruity in these opposing doctrines, and the doctrine of the Declaration of Independence won the battle.

The sovereign States were in full exercise of their powers when the war ended, and they re-established the National Republic.

Mr. Pierce was defeated by Mr. Buchanan for renomination by the Democratic party, for the Presidency, and disappeared from public life, leaving to his successor the task of avoiding, if possible, the conflict that then appeared to be unavoidable, between the Northern and Southern States. The door that led to the new era in American history stood ready to be opened.

Conservatism, which meant resistance to the progress for which Congress is sponsor, was the party shiboleth of the Democracy and the creed of the silver-grey Whigs, but the pressure of a world-wide demand for the abolition of slavery, crushed the Whig party and divided the Democratic party into warring factions. The mighty blow fell upon all, and crushed everything except the Constitution and the sovereignty of the States.

Mr. Pierce opposed the fiscal bank bill, but the Civil War has substituted a National banking system for all the State banks of issue, and the Supreme Court has, virtually, decreed the perpetuity of the system, and no Democratic convention now disputes the necessity for National banks.

Mr. Pierce favored the annexation of Texas, against a powerful opposition in his native New England.

These are some of the points of outlook from the old era that have been reached in the new periods, without any deviation from lines of

National policy that were established by Mr. Jefferson in the year that Mr. Pierce was born.

Other interesting initiatives of our present wise and worthy policies in the Pacific ocean were planted during Mr. Pierce's Administration, as Democratic measures on Jefferson's plan.

Through his great Secretary of State, William S. Marcy, he conducted the first commercial treaty with Japan, negotiated by Commodore Perry. That treaty opened the door of real civilization to Japan, through which a light has entered a darkened nation, and within the life of a generation, has lifted that people into recognized equality with the great powers of the world. And the same broad and sagacious statesmanship has aided in civilizing and Americanizing the Hawaiian Islands, and has gathered that people into the nurturing bosom of our Great Republic.

A still broader and more generous policy was ordained in that Administration as to Cuba, in the Ostend conference, which has ripened into the noblest results of National benevolence, through the redemption of that fair island from the oppressions of the last and worst form of Bourbon despotism.

These events were fixed in the wise councils of Mr. Pierce and his great Cabinet, and time has brought all of them into speedy realization. Such men were never afraid that our Government would be weakened by honest and generous efforts to extend the blessings of its influence and protection to oppressed peoples.

In the second half of this century, the consummation of the work laid out in the first has been accomplished on the true lines of American policy, without any deviation from the strictest Democratic construction of the Constitution of the United States.

A notable incident to illustrate the spirit of that Administration, was the dismissal of the British minister and the British consuls at New York, Philadelphia and Cincinnati, because of their complicity in the illegal enlistment of recruits in the British army for the Crimean war.

Mr. Pierce's life was fashioned in the company of excellent people, from his youth, and their influence was manifest in all his history. His college mates at Bowdoin College, where he graduated third in his class, were such men as John P. Hale, Prof. Calvin Stone, Sergeant Prentiss, Henry W. Longfellow and Nathaniel Hawthorne.

John T. Morgan

Franklin Pierce

FRANKLIN PIERCE was born in Hillsboro, N. H., November 23, 1804. Was the fourth son of Benjamin and Anna Pierce. His father was a citizen of Massachusetts; was a soldier in the War of the Revolution, attaining the rank of captain and brevet major. After peace was declared he removed from Massachusetts to New Hampshire and located near what is now Hillsboro. His first wife was Elizabeth Andrews, who died at an early age. His second wife, the mother of Franklin Pierce, was Anna Kendrick, of Amherst, N. H. He was sheriff of his county, a member of the State legislature and of the governor's council, and was twice chosen governor of his State (as a Democrat), first in 1827 and again in 1829. For many years he was declared to be "the most influential man in New Hampshire." He died in 1839. Franklin was given an academic education in well-known institutions at Hancock, Francestown, and Exeter, and in 1820 was sent to Bowdoin College. His college mates there were John P. Hale, his future political rival; Professor Calvin E. Stowe; Sergeant S. Prentiss, the distinguished orator; Henry W. Longfellow, and Nathaniel Hawthorne, his future biographer and lifelong friend. He graduated in 1824, being third in his class. After taking his degree he began the study of law at Portsmouth in the office of Levi Woodbury, where he remained about a year. Afterwards spent two years in the law school at Northampton, Mass., and in the office of Judge Edmund Parker, at Amherst, N. H. In 1827 was admitted to the bar and began practice in his native town. Espoused the cause of Andrew Jackson with ardor, and in 1829 was elected to represent his native town in the legislature, where by three subsequent elections he served four years, the last two as speaker. In 1833 was elected to represent his native district in the lower House of Congress, where he remained four years; served on the Judiciary and other important committees. His first important speech in the House was delivered in 1834 upon the necessity of economy and of watchfulness against frauds in the payment of Revolutionary claims. In 1834 married Miss Jane Means Appleton, daughter of Rev. Jesse Appleton, president of Bowdoin College. In 1837 was elected to the United States Senate. On account of ill health of his

wife, deeming it best for her to return to New Hampshire, on June 28, 1842, resigned his seat, and returning to his home resumed the practice of the law. In 1838 he changed his residence from Hillsboro to Concord. In 1845 declined an appointment to the United States Senate to fill a vacancy. Also declined the nomination for governor, tendered by the Democratic State convention, and in 1845 an appointment to the office of Attorney-General of the United States, tendered by President Polk. In 1846, when the war with Mexico began, he enlisted as a private in a volunteer company organized at Concord; was soon afterwards commissioned colonel of the Ninth Regiment of Infantry; March 3, 1847, was commissioned brigadier-general in the Volunteer Army, and on March 27 embarked for Mexico, arriving at Vera Cruz June 28. August 6, 1847, joined General Scott with his brigade at Puebla, and soon set out for the capture of the City of Mexico. Took part in the battle of Contreras September 19, 1847, in which engagement he was severely injured by being thrown from his horse. The next day, not having recovered, he undertook to accompany his brigade in action against the enemy, when he fainted. He persisted in remaining on duty in the subsequent operations of the Army. His conduct and services were spoken of in high terms by his superior officers, Generals Scott, Worth, and Pillow. Before the battle of Molino del Rey was appointed one of the American commissioners in the effort for peace, a truce being declared for that purpose. The effort failed and the fighting was renewed. Participated in the battle of Molino del Rey and continued on duty till peace was declared. Resigned his commission in March, 1848, and returned to his home. The same month the legislature of his State voted him a sword of honor in appreciation of his services in the war. Resumed his law practice and was highly successful. In 1850 was a member of the constitutional convention which met at Concord to amend the constitution of New Hampshire, and was chosen to preside over its deliberations; he favored the removal of the religious-test clause in the old constitution, by which Roman Catholics were disqualified from holding office in the State, and also the abolition of any "property qualification;" he carried these amendments through the convention, but the people defeated them at the election. In January, 1852, the Democratic State convention of New Hampshire declared for him for President, but in a letter January 12 he positively refused to permit the delegation to present his name. The national convention of the party met at Baltimore June 1, 1852. On the fourth day he was nominated for President, and was elected in November, receiving 254 electoral votes, while his opponent, General Scott, received only 42. Was inaugurated March 4, 1853. In 1856 was voted for by his friends in the national Democratic convention for renomination, but was unsuccessful. Upon the expiration of his term as President he retired to his home at Concord, where he resided the remainder of his life. Died October 8, 1869, and was buried at Concord.

INAUGURAL ADDRESS.

MY COUNTRYMEN: It is a relief to feel that no heart but my own can know the personal regret and bitter sorrow over which I have been borne to a position so suitable for others rather than desirable for myself.

The circumstances under which I have been called for a limited period to preside over the destinies of the Republic fill me with a profound sense of responsibility, but with nothing like shrinking apprehension. I repair to the post assigned me not as to one sought, but in obedience to the unsolicited expression of your will, answerable only for a fearless, faithful, and diligent exercise of my best powers. I ought to be, and am, truly grateful for the rare manifestation of the nation's confidence; but this, so far from lightening my obligations, only adds to their weight. You have summoned me in my weakness; you must sustain me by your strength. When looking for the fulfillment of reasonable requirements, you will not be unmindful of the great changes which have occurred, even within the last quarter of a century, and the consequent augmentation and complexity of duties imposed in the administration both of your home and foreign affairs.

Whether the elements of inherent force in the Republic have kept pace with its unparalleled progression in territory, population, and wealth has been the subject of earnest thought and discussion on both sides of the ocean. Less than sixty-four years ago the Father of his Country made "the" then "recent accession of the important State of North Carolina to the Constitution of the United States" one of the subjects of his special congratulation. At that moment, however, when the agitation consequent upon the Revolutionary struggle had hardly subsided, when we were just emerging from the weakness and embarrassments of the Confederation, there was an evident consciousness of vigor equal to the great mission so wisely and bravely fulfilled by our fathers. It was not a presumptuous assurance, but a calm faith, springing from a clear view of the sources of power in a government constituted like ours. It is no paradox to say that although comparatively weak the new-born nation was intrinsically strong. Inconsiderable in population and apparent resources, it was upheld by a broad and intelligent comprehension of rights and an all-pervading purpose to maintain them, stronger than armaments. It came from the furnace of the Revolution, tempered to the necessities of the times. The thoughts of the men of that day were as practical as their sentiments were patriotic. They wasted no portion of their energies upon idle and delusive speculations, but with a firm and fearless step advanced beyond the governmental landmarks which had hitherto circumscribed the limits of human freedom and planted their standard, where it has stood against dangers which have threatened from abroad, and internal agitation, which

has at times fearfully menaced at home. They proved themselves equal to the solution of the great problem, to understand which their minds had been illuminated by the dawning lights of the Revolution. The object sought was not a thing dreamed of; it was a thing realized. They had exhibited not only the power to achieve, but, what all history affirms to be so much more unusual, the capacity to maintain. The oppressed throughout the world from that day to the present have turned their eyes hitherward, not to find those lights extinguished or to fear lest they should wane, but to be constantly cheered by their steady and increasing radiance.

In this our country has, in my judgment, thus far fulfilled its highest duty to suffering humanity. It has spoken and will continue to speak, not only by its words, but by its acts, the language of sympathy, encouragement, and hope to those who earnestly listen to tones which pronounce for the largest rational liberty. But after all, the most animating encouragement and potent appeal for freedom will be its own history—its trials and its triumphs. Preeminently, the power of our advocacy reposes in our example; but no example, be it remembered, can be powerful for lasting good, whatever apparent advantages may be gained, which is not based upon eternal principles of right and justice. Our fathers decided for themselves, both upon the hour to declare and the hour to strike. They were their own judges of the circumstances under which it became them to pledge to each other "their lives, their fortunes, and their sacred honor" for the acquisition of the priceless inheritance transmitted to us. The energy with which that great conflict was opened and, under the guidance of a manifest and beneficent Providence, the uncomplaining endurance with which it was prosecuted to its consummation were only surpassed by the wisdom and patriotic spirit of concession which characterized all the counsels of the early fathers.

One of the most impressive evidences of that wisdom is to be found in the fact that the actual working of our system has dispelled a degree of solicitude which at the outset disturbed bold hearts and far-reaching intellects. The apprehension of dangers from extended territory, multiplied States, accumulated wealth, and augmented population has proved to be unfounded. The stars upon your banner have become nearly threefold their original number; your densely populated possessions skirt the shores of the two great oceans; and yet this vast increase of people and territory has not only shown itself compatible with the harmonious action of the States and Federal Government in their respective constitutional spheres, but has afforded an additional guaranty of the strength and integrity of both.

With an experience thus suggestive and cheering, the policy of my Administration will not be controlled by any timid forebodings of evil from expansion. Indeed, it is not to be disguised that our attitude as a nation and our position on the globe render the acquisition of certain possessions not within our jurisdiction eminently important for our protection, if not in the future essential for the preservation of the rights of

commerce and the peace of the world. Should they be obtained, it will be through no grasping spirit, but with a view to obvious national interest and security, and in a manner entirely consistent with the strictest observance of national faith. We have nothing in our history or position to invite aggression; we have everything to beckon us to the cultivation of relations of peace and amity with all nations. Purposes, therefore, at once just and pacific will be significantly marked in the conduct of our foreign affairs. I intend that my Administration shall leave no blot upon our fair record, and trust I may safely give the assurance that no act within the legitimate scope of my constitutional control will be tolerated on the part of any portion of our citizens which can not challenge a ready justification before the tribunal of the civilized world. An Administration would be unworthy of confidence at home or respect abroad should it cease to be influenced by the conviction that no apparent advantage can be purchased at a price so dear as that of national wrong or dishonor. It is not your privilege as a nation to speak of a distant past. The striking incidents of your history, replete with instruction and furnishing abundant grounds for hopeful confidence, are comprised in a period comparatively brief. But if your past is limited, your future is boundless. Its obligations throng the unexplored pathway of advancement, and will be limitless as duration. Hence a sound and comprehensive policy should embrace not less the distant future than the urgent present.

The great objects of our pursuit as a people are best to be attained by peace, and are entirely consistent with the tranquillity and interests of the rest of mankind. With the neighboring nations upon our continent we should cultivate kindly and fraternal relations. We can desire nothing in regard to them so much as to see them consolidate their strength and pursue the paths of prosperity and happiness. If in the course of their growth we should open new channels of trade and create additional facilities for friendly intercourse, the benefits realized will be equal and mutual. Of the complicated European systems of national polity we have heretofore been independent. From their wars, their tumults, and anxieties we have been, happily, almost entirely exempt. Whilst these are confined to the nations which gave them existence, and within their legitimate jurisdiction, they can not affect us except as they appeal to our sympathies in the cause of human freedom and universal advancement. But the vast interests of commerce are common to all mankind, and the advantages of trade and international intercourse must always present a noble field for the moral influence of a great people.

With these views firmly and honestly carried out, we have a right to expect, and shall under all circumstances require, prompt reciprocity. The rights which belong to us as a nation are not alone to be regarded, but those which pertain to every citizen in his individual capacity, at home and abroad, must be sacredly maintained. So long as he can discern every star in its place upon that ensign, without wealth to purchase

for him preferment or title to secure for him place, it will be his privilege, and must be his acknowledged right, to stand unabashed even in the presence of princes, with a proud consciousness that he is himself one of a nation of sovereigns and that he can not in legitimate pursuit wander so far from home that the agent whom he shall leave behind in the place which I now occupy will not see that no rude hand of power or tyrannical passion is laid upon him with impunity. He must realize that upon every sea and on every soil where our enterprise may rightfully seek the protection of our flag American citizenship is an inviolable panoply for the security of American rights. And in this connection it can hardly be necessary to reaffirm a principle which should now be regarded as fundamental. The rights, security, and repose of this Confederacy reject the idea of interference or colonization on this side of the ocean by any foreign power beyond present jurisdiction as utterly inadmissible.

The opportunities of observation furnished by my brief experience as a soldier confirmed in my own mind the opinion, entertained and acted upon by others from the formation of the Government, that the maintenance of large standing armies in our country would be not only dangerous, but unnecessary. They also illustrated the importance—I might well say the absolute necessity—of the military science and practical skill furnished in such an eminent degree by the institution which has made your Army what it is, under the discipline and instruction of officers not more distinguished for their solid attainments, gallantry, and devotion to the public service than for unobtrusive bearing and high moral tone. The Army as organized must be the nucleus around which in every time of need the strength of your military power, the sure bulwark of your defense—a national militia—may be readily formed into a well-disciplined and efficient organization. And the skill and self-devotion of the Navy assure you that you may take the performance of the past as a pledge for the future, and may confidently expect that the flag which has waved its untarnished folds over every sea will still float in undiminished honor. But these, like many other subjects, will be appropriately brought at a future time to the attention of the coordinate branches of the Government, to which I shall always look with profound respect and with trustful confidence that they will accord to me the aid and support which I shall so much need and which their experience and wisdom will readily suggest.

In the administration of domestic affairs you expect a devoted integrity in the public service and an observance of rigid economy in all departments, so marked as never justly to be questioned. If this reasonable expectation be not realized, I frankly confess that one of your leading hopes is doomed to disappointment, and that my efforts in a very important particular must result in a humiliating failure. Offices can be properly regarded only in the light of aids for the accomplishment of these objects, and as occupancy can confer no prerogative nor importu-

nate desire for preferment any claim, the public interest imperatively demands that they be considered with sole reference to the duties to be performed. Good citizens may well claim the protection of good laws and the benign influence of good government, but a claim for office is what the people of a republic should never recognize. No reasonable man of any party will expect the Administration to be so regardless of its responsibility and of the obvious elements of success as to retain persons known to be under the influence of political hostility and partisan prejudice in positions which will require not only severe labor, but cordial cooperation. Having no implied engagements to ratify, no rewards to bestow, no resentments to remember, and no personal wishes to consult in selections for official station, I shall fulfill this difficult and delicate trust, admitting no motive as worthy either of my character or position which does not contemplate an efficient discharge of duty and the best interests of my country. I acknowledge my obligations to the masses of my countrymen, and to them alone. Higher objects than personal aggrandizement gave direction and energy to their exertions in the late canvass, and they shall not be disappointed. They require at my hands diligence, integrity, and capacity wherever there are duties to be performed. Without these qualities in their public servants, more stringent laws for the prevention or punishment of fraud, negligence, and peculation will be vain. With them they will be unnecessary.

But these are not the only points to which you look for vigilant watchfulness. The dangers of a concentration of all power in the general government of a confederacy so vast as ours are too obvious to be disregarded. You have a right, therefore, to expect your agents in every department to regard strictly the limits imposed upon them by the Constitution of the United States. The great scheme of our constitutional liberty rests upon a proper distribution of power between the State and Federal authorities, and experience has shown that the harmony and happiness of our people must depend upon a just discrimination between the separate rights and responsibilities of the States and your common rights and obligations under the General Government; and here, in my opinion, are the considerations which should form the true basis of future concord in regard to the questions which have most seriously disturbed public tranquillity. If the Federal Government will confine itself to the exercise of powers clearly granted by the Constitution, it can hardly happen that its action upon any question should endanger the institutions of the States or interfere with their right to manage matters strictly domestic according to the will of their own people.

In expressing briefly my views upon an important subject which has recently agitated the nation to almost a fearful degree, I am moved by no other impulse than a most earnest desire for the perpetuation of that Union which has made us what we are, showering upon us blessings and conferring a power and influence which our fathers could hardly have

anticipated, even with their most sanguine hopes directed to a far-off future. The sentiments I now announce were not unknown before the expression of the voice which called me here. My own position upon this subject was clear and unequivocal, upon the record of my words and my acts, and it is only recurred to at this time because silence might perhaps be misconstrued. With the Union my best and dearest earthly hopes are entwined. Without it what are we individually or collectively? What becomes of the noblest field ever opened for the advancement of our race in religion, in government, in the arts, and in all that dignifies and adorns mankind? From that radiant constellation which both illumines our own way and points out to struggling nations their course, let but a single star be lost, and, if there be not utter darkness, the luster of the whole is dimmed. Do my countrymen need any assurance that such a catastrophe is not to overtake them while I possess the power to stay it? It is with me an earnest and vital belief that as the Union has been the source, under Providence, of our prosperity to this time, so it is the surest pledge of a continuance of the blessings we have enjoyed, and which we are sacredly bound to transmit undiminished to our children. The field of calm and free discussion in our country is open, and will always be so, but never has been and never can be traversed for good in a spirit of sectionalism and uncharitableness. The founders of the Republic dealt with things as they were presented to them, in a spirit of self-sacrificing patriotism, and, as time has proved, with a comprehensive wisdom which it will always be safe for us to consult. Every measure tending to strengthen the fraternal feelings of all the members of our Union has had my heartfelt approbation. To every theory of society or government, whether the offspring of feverish ambition or of morbid enthusiasm, calculated to dissolve the bonds of law and affection which unite us, I shall interpose a ready and stern resistance. I believe that involuntary servitude, as it exists in different States of this Confederacy, is recognized by the Constitution. I believe that it stands like any other admitted right, and that the States where it exists are entitled to efficient remedies to enforce the constitutional provisions. I hold that the laws of 1850, commonly called the "compromise measures," are strictly constitutional and to be unhesitatingly carried into effect. I believe that the constituted authorities of this Republic are bound to regard the rights of the South in this respect as they would view any other legal and constitutional right, and that the laws to enforce them should be respected and obeyed, not with a reluctance encouraged by abstract opinions as to their propriety in a different state of society, but cheerfully and according to the decisions of the tribunal to which their exposition belongs. Such have been, and are, my convictions, and upon them I shall act. I fervently hope that the question is at rest, and that no sectional or ambitious or fanatical excitement may again threaten the durability of our institutions or obscure the light of our prosperity.

But let not the foundation of our hope rest upon man's wisdom. It will not be sufficient that sectional prejudices find no place in the public deliberations. It will not be sufficient that the rash counsels of human passion are rejected. It must be felt that there is no national security but in the nation's humble, acknowledged dependence upon God and His overruling providence.

We have been carried in safety through a perilous crisis. Wise counsels, like those which gave us the Constitution, prevailed to uphold it. Let the period be remembered as an admonition, and not as an encouragement, in any section of the Union, to make experiments where experiments are fraught with such fearful hazard. Let it be impressed upon all hearts that, beautiful as our fabric is, no earthly power or wisdom could ever reunite its broken fragments. Standing, as I do, almost within view of the green slopes of Monticello, and, as it were, within reach of the tomb of Washington, with all the cherished memories of the past gathering around me like so many eloquent voices of exhortation from heaven, I can express no better hope for my country than that the kind Providence which smiled upon our fathers may enable their children to preserve the blessings they have inherited.

MARCH 4, 1853.

SPECIAL MESSAGES.

WASHINGTON, *March 21, 1853.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 17th instant, respecting certain propositions to Nicaragua and Costa Rica relative to the settlement of the territorial controversies between the States and Governments bordering on the river San Juan, I transmit a report from the Secretary of State and the documents by which it was accompanied.

FRANKLIN PIERCE.

WASHINGTON, *March 21, 1853.*

To the Senate:

The eleventh article of the treaty with the Chickasaw Indians of the 20th October, 1832, provides that certain moneys arising from the sales of the lands ceded by that treaty shall be laid out under the direction of the President of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve of, for the benefit of the Chickasaw Nation.

The report of the Secretary of the Treasury of the 15th instant, herewith transmitted, shows that the sum of $58,100 5 per cent stock, created under the act of 3d March, 1843, now stands on the books of the

Treasury in the name of the Secretary of the Treasury, as trustee for the Chickasaw national fund. This stock, by the terms of its issue, is redeemable on the 1st July next, when interest thereon will cease. It therefore becomes my duty to lay before the Senate the subject of reinvesting this amount under the same trust.

The second section of the act of 11th September, 1841 (the first section of which repeals the provisions of the act of 7th July, 1838, directing the investment of the Smithsonian fund in the stocks of the States), enacts that "all other funds held in trust by the United States, and the annual interest accruing thereon, when not otherwise required by treaty, shall in like manner be invested in stocks of the United States bearing a like rate of interest."

I submit to the Senate whether it will advise and consent that the Secretary of the Treasury be authorized, under my direction, to reinvest the above-mentioned sum of $58,100 in stocks of the United States under the same trust.

FRANKLIN PIERCE.

WASHINGTON, *March 21, 1853.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 18th of January last, calling for further correspondence touching the revolution in France of December, 1851, I transmit a report from the Secretary of State and the documents by which it was accompanied.

FRANKLIN PIERCE.

EXECUTIVE CHAMBER, *March 25, 1853.*

To the Senate of the United States:

I nominate Mrs. Mary Berard to be deputy postmaster at "West Point," N. Y., the commissions for said office having exceeded $1,000 for the year ending the 30th June, 1852. Mrs. B. has held said office since the 12th of May, 1848, under an appointment of the Post-Office Department.

FRANKLIN PIERCE.

EXECUTIVE ORDERS.

EXECUTIVE OFFICE, *March 23, 1853.*

Believing that the public interests involved in the erection of the wings of the United States Capitol will be promoted by the exercise of a general supervision and control of the whole work by a skillful and competent officer of the Corps of Engineers or of the Topographical Corps,

and as the officers of those corps are more immediately amenable to the Secretary of War, I hereby direct that the jurisdiction heretofore exercised over the said work by the Department of the Interior be transferred to the War Department, and request that the Secretary of War will designate to the President a suitable officer to take charge of the same.

FRANKLIN PIERCE.

BY THE PRESIDENT OF THE UNITED STATES.

WASHINGTON, *April 20, 1853.*

The President has, with deep sorrow, received information that the Vice-President of the United States, William R. King, died on the 18th instant at his residence in Alabama.

In testimony of respect for eminent station, exalted character, and, higher and above all station, for a career of public service and devotion to this Union which for duration and usefulness is almost without a parallel in the history of the Republic, the labors of the various Departments will be suspended.

The Secretaries of War and Navy will issue orders that appropriate military and naval honors be rendered to the memory of one to whom such a tribute will not be formal, but heartfelt from a people the deceased has so faithfully served.

The public offices will be closed to-morrow and badges of mourning be placed on the Executive Mansion and all the Executive Departments at Washington.

FRANKLIN PIERCE.

GENERAL ORDERS, NO. 11.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 20, 1853.

I. The following order announces to the Army the death of William Rufus King, late Vice-President of the United States:

WAR DEPARTMENT,
Washington, April 20, 1853.

With deep sorrow the President announces to the Army the death of William Rufus King, Vice-President of the United States, who died on the evening of Monday, the 18th instant, at his residence in Dallas County, Ala.

Called into the service of his country at a period in life when but few are prepared to enter upon its realities, his long career of public usefulness at home and abroad has always been honored by the public

confidence, and was closed in the second office within the gift of the people.

From sympathy with his relatives and the American people for their loss and from respect for his distinguished public services, the President directs that appropriate honors to his memory be paid by the Army.

JEFFERSON DAVIS,
Secretary of War.

II. On the day next succeeding the receipt of this order at each military post the troops will be paraded at 10 o'clock a. m. and this order read to them.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired. Commencing at 12 o'clock m. seventeen minute guns will be fired and at the close of the day the national salute of thirty-one guns.

The usual badge of mourning will be worn by officers of the Army and the colors of the several regiments will be put in mourning for the period of three months.

By order:

S. COOPER,
Adjutant-General.

[From the Daily National Intelligencer, April 21, 1853.]

GENERAL ORDER.

NAVY DEPARTMENT,
April 20, 1853.

With deep sorrow the President announces to the officers of the Navy and Marine Corps the death of William Rufus King, Vice-President of the United States, who died on the evening of Monday, the 18th instant, at his residence in Alabama.

Called into the service of his country at a period of life when but few are prepared to enter upon its realities, his long career of public usefulness at home and abroad has always been honored by the public confidence, and was closed in the second office within the gift of the people.

From sympathy with his relatives and the American people for their loss and from respect for his distinguished public services, the President directs that appropriate honors be paid to his memory at each of the navy-yards and naval stations and on board all the public vessels in commission on the day after this order is received by firing at dawn of day thirteen guns, at 12 o'clock m. seventeen minute guns, and at the close of the day the national salute, by carrying their flags at half-mast one day, and by the officers wearing crape on the left arm for three months.

J. C. DOBBIN,
Secretary of the Navy.

FIRST ANNUAL MESSAGE.

WASHINGTON, D. C., *December 5, 1853.*

Fellow-Citizens of the Senate and of the House of Representatives:

The interest with which the people of the Republic anticipate the assembling of Congress and the fulfillment on that occasion of the duty imposed upon a new President is one of the best evidences of their capacity to realize the hopes of the founders of a political system at once complex and symmetrical. While the different branches of the Government are to a certain extent independent of each other, the duties of all alike have direct reference to the source of power. Fortunately, under this system no man is so high and none so humble in the scale of public station as to escape from the scrutiny or to be exempt from the responsibility which all official functions imply.

Upon the justice and intelligence of the masses, in a government thus organized, is the sole reliance of the confederacy and the only security for honest and earnest devotion to its interests against the usurpations and encroachments of power on the one hand and the assaults of personal ambition on the other.

The interest of which I have spoken is inseparable from an inquiring, self-governing community, but stimulated, doubtless, at the present time by the unsettled condition of our relations with several foreign powers, by the new obligations resulting from a sudden extension of the field of enterprise, by the spirit with which that field has been entered and the amazing energy with which its resources for meeting the demands of humanity have been developed.

Although disease, assuming at one time the characteristics of a widespread and devastating pestilence, has left its sad traces upon some portions of our country, we have still the most abundant cause for reverent thankfulness to God for an accumulation of signal mercies showered upon us as a nation. It is well that a consciousness of rapid advancement and increasing strength be habitually associated with an abiding sense of dependence upon Him who holds in His hands the destiny of men and of nations.

Recognizing the wisdom of the broad principle of absolute religious toleration proclaimed in our fundamental law, and rejoicing in the benign influence which it has exerted upon our social and political condition, I should shrink from a clear duty did I fail to express my deepest conviction that we can place no secure reliance upon any apparent progress if it be not sustained by national integrity, resting upon the great truths affirmed and illustrated by divine revelation. In the midst of our sorrow for the afflicted and suffering, it has been consoling to see how promptly

disaster made true neighbors of districts and cities separated widely from each other, and cheering to watch the strength of that common bond of brotherhood which unites all hearts, in all parts of this Union, when danger threatens from abroad or calamity impends over us at home.

Our diplomatic relations with foreign powers have undergone no essential change since the adjournment of the last Congress. With some of them questions of a disturbing character are still pending, but there are good reasons to believe that these may all be amicably adjusted.

For some years past Great Britain has so construed the first article of the convention of the 20th of April, 1818, in regard to the fisheries on the northeastern coast, as to exclude our citizens from some of the fishing grounds to which they freely resorted for nearly a quarter of a century subsequent to the date of that treaty. The United States have never acquiesced in this construction, but have always claimed for their fishermen all the rights which they had so long enjoyed without molestation. With a view to remove all difficulties on the subject, to extend the rights of our fishermen beyond the limits fixed by the convention of 1818, and to regulate trade between the United States and the British North American Provinces, a negotiation has been opened with a fair prospect of a favorable result. To protect our fishermen in the enjoyment of their rights and prevent collision between them and British fishermen, I deemed it expedient to station a naval force in that quarter during the fishing season.

Embarrassing questions have also arisen between the two Governments in regard to Central America. Great Britain has proposed to settle them by an amicable arrangement, and our minister at London is instructed to enter into negotiations on that subject.

A commission for adjusting the claims of our citizens against Great Britain and those of British subjects against the United States, organized under the convention of the 8th of February last, is now sitting in London for the transaction of business.

It is in many respects desirable that the boundary line between the United States and the British Provinces in the northwest, as designated in the convention of the 15th of June, 1846, and especially that part which separates the Territory of Washington from the British possessions on the north, should be traced and marked. I therefore present the subject to your notice.

With France our relations continue on the most friendly footing. The extensive commerce between the United States and that country might, it is conceived, be released from some unnecessary restrictions to the mutual advantage of both parties. With a view to this object, some progress has been made in negotiating a treaty of commerce and navigation.

Independently of our valuable trade with Spain, we have important political relations with her growing out of our neighborhood to the islands of Cuba and Porto Rico. I am happy to announce that since the last Congress no attempts have been made by unauthorized expedi-

tions within the United States against either of those colonies. Should any movement be manifested within our limits, all the means at my command will be vigorously exerted to repress it. Several annoying occurrences have taken place at Havana, or in the vicinity of the island of Cuba, between our citizens and the Spanish authorities. Considering the proximity of that island to our shores, lying, as it does, in the track of trade between some of our principal cities, and the suspicious vigilance with which foreign intercourse, particularly that with the United States, is there guarded, a repetition of such occurrences may well be apprehended.

As no diplomatic intercourse is allowed between our consul at Havana and the Captain-General of Cuba, ready explanations can not be made or prompt redress afforded where injury has resulted. All complaint on the part of our citizens under the present arrangement must be, in the first place, presented to this Government and then referred to Spain. Spain again refers it to her local authorities in Cuba for investigation, and postpones an answer till she has heard from those authorities. To avoid these irritating and vexatious delays, a proposition has been made to provide for a direct appeal for redress to the Captain-General by our consul in behalf of our injured fellow-citizens. Hitherto the Government of Spain has declined to enter into any such arrangement. This course on her part is deeply regretted, for without some arrangement of this kind the good understanding between the two countries may be exposed to occasional interruption. Our minister at Madrid is instructed to renew the proposition and to press it again upon the consideration of Her Catholic Majesty's Government.

For several years Spain has been calling the attention of this Government to a claim for losses by some of her subjects in the case of the schooner *Amistad.* This claim is believed to rest on the obligations imposed by our existing treaty with that country. Its justice was admitted in our diplomatic correspondence with the Spanish Government as early as March, 1847, and one of my predecessors, in his annual message of that year, recommended that provision should be made for its payment. In January last it was again submitted to Congress by the Executive. It has received a favorable consideration by committees of both branches, but as yet there has been no final action upon it. I conceive that good faith requires its prompt adjustment, and I present it to your early and favorable consideration.

Martin Koszta, a Hungarian by birth, came to this country in 1850, and declared his intention in due form of law to become a citizen of the United States. After remaining here nearly two years he visited Turkey. While at Smyrna he was forcibly seized, taken on board an Austrian brig of war then lying in the harbor of that place, and there confined in irons, with the avowed design to take him into the dominions of Austria. Our consul at Smyrna and legation at Constantinople interposed for his

release, but their efforts were ineffectual. While thus in prison Commander Ingraham, with the United States ship of war *St. Louis*, arrived at Smyrna, and after inquiring into the circumstances of the case came to the conclusion that Koszta was entitled to the protection of this Government, and took energetic and prompt measures for his release. Under an arrangement between the agents of the United States and of Austria, he was transferred to the custody of the French consul-general at Smyrna, there to remain until he should be disposed of by the mutual agreement of the consuls of the respective Governments at that place. Pursuant to that agreement, he has been released, and is now in the United States. The Emperor of Austria has made the conduct of our officers who took part in this transaction a subject of grave complaint. Regarding Koszta as still his subject, and claiming a right to seize him within the limits of the Turkish Empire, he has demanded of this Government its consent to the surrender of the prisoner, a disavowal of the acts of its agents, and satisfaction for the alleged outrage. After a careful consideration of the case I came to the conclusion that Koszta was seized without legal authority at Smyrna; that he was wrongfully detained on board of the Austrian brig of war; that at the time of his seizure he was clothed with the nationality of the United States, and that the acts of our officers, under the circumstances of the case, were justifiable, and their conduct has been fully approved by me, and a compliance with the several demands of the Emperor of Austria has been declined.

For a more full account of this transaction and my views in regard to it I refer to the correspondence between the chargé d'affaires of Austria and the Secretary of State, which is herewith transmitted. The principles and policy therein maintained on the part of the United States will, whenever a proper occasion occurs, be applied and enforced.

The condition of China at this time renders it probable that some important changes will occur in that vast Empire which will lead to a more unrestricted intercourse with it. The commissioner to that country who has been recently appointed is instructed to avail himself of all occasions to open and extend our commercial relations, not only with the Empire of China, but with other Asiatic nations.

In 1852 an expedition was sent to Japan, under the command of Commodore Perry, for the purpose of opening commercial intercourse with that Empire. Intelligence has been received of his arrival there and of his having made known to the Emperor of Japan the object of his visit. But it is not yet ascertained how far the Emperor will be disposed to abandon his restrictive policy and open that populous country to a commercial intercourse with the United States.

It has been my earnest desire to maintain friendly intercourse with the Governments upon this continent and to aid them in preserving good understanding among themselves. With Mexico a dispute has arisen as to the true boundary line between our Territory of New Mexico and the

Mexican State of Chihuahua. A former commissioner of the United States, employed in running that line pursuant to the treaty of Guadalupe Hidalgo, made a serious mistake in determining the initial point on the Rio Grande; but inasmuch as his decision was clearly a departure from the directions for tracing the boundary contained in that treaty, and was not concurred in by the surveyor appointed on the part of the United States, whose concurrence was necessary to give validity to that decision, this Government is not concluded thereby; but that of Mexico takes a different view of the subject.

There are also other questions of considerable magnitude pending between the two Republics. Our minister in Mexico has ample instructions to adjust them. Negotiations have been opened, but sufficient progress has not been made therein to enable me to speak of the probable result. Impressed with the importance of maintaining amicable relations with that Republic and of yielding with liberality to all her just claims, it is reasonable to expect that an arrangement mutually satisfactory to both countries may be concluded and a lasting friendship between them confirmed and perpetuated.

Congress having provided for a full mission to the States of Central America, a minister was sent thither in July last. As yet he has had time to visit only one of these States (Nicaragua), where he was received in the most friendly manner. It is hoped that his presence and good offices will have a benign effect in composing the dissensions which prevail among them, and in establishing still more intimate and friendly relations between them respectively and between each of them and the United States.

Considering the vast regions of this continent and the number of states which would be made accessible by the free navigation of the river Amazon, particular attention has been given to this subject. Brazil, through whose territories it passes into the ocean, has hitherto persisted in a policy so restricted in regard to the use of this river as to obstruct and nearly exclude foreign commercial intercourse with the States which lie upon its tributaries and upper branches. Our minister to that country is instructed to obtain a relaxation of that policy and to use his efforts to induce the Brazilian Government to open to common use, under proper safeguards, this great natural highway for international trade. Several of the South American States are deeply interested in this attempt to secure the free navigation of the Amazon, and it is reasonable to expect their cooperation in the measure. As the advantages of free commercial intercourse among nations are better understood, more liberal views are generally entertained as to the common rights of all to the free use of those means which nature has provided for international communication. To these more liberal and enlightened views it is hoped that Brazil will conform her policy and remove all unnecessary restrictions upon the free use of a river which traverses so many states and so large a part of the continent. I am happy to inform you that the Republic of

Paraguay and the Argentine Confederation have yielded to the liberal policy still resisted by Brazil in regard to the navigable rivers within their respective territories. Treaties embracing this subject, among others, have been negotiated with these Governments, which will be submitted to the Senate at the present session.

A new branch of commerce, important to the agricultural interests of the United States, has within a few years past been opened with Peru. Notwithstanding the inexhaustible deposits of guano upon the islands of that country, considerable difficulties are experienced in obtaining the requisite supply. Measures have been taken to remove these difficulties and to secure a more abundant importation of the article. Unfortunately, there has been a serious collision between our citizens who have resorted to the Chincha Islands for it and the Peruvian authorities stationed there. Redress for the outrages committed by the latter was promptly demanded by our minister at Lima. This subject is now under consideration, and there is reason to believe that Peru is disposed to offer adequate indemnity to the aggrieved parties.

We are thus not only at peace with all foreign countries, but, in regard to political affairs, are exempt from any cause of serious disquietude in our domestic relations.

The controversies which have agitated the country heretofore are passing away with the causes which produced them and the passions which they had awakened; or, if any trace of them remains, it may be reasonably hoped that it will only be perceived in the zealous rivalry of all good citizens to testify their respect for the rights of the States, their devotion to the Union, and their common determination that each one of the States, its institutions, its welfare, and its domestic peace, shall be held alike secure under the sacred ægis of the Constitution.

This new league of amity and of mutual confidence and support into which the people of the Republic have entered happily affords inducement and opportunity for the adoption of a more comprehensive and unembarrassed line of policy and action as to the great material interests of the country, whether regarded in themselves or in connection with the powers of the civilized world.

The United States have continued gradually and steadily to expand through acquisitions of territory, which, how much soever some of them may have been questioned, are now universally seen and admitted to have been wise in policy, just in character, and a great element in the advancement of our country, and with it of the human race, in freedom, in prosperity, and in happiness. The thirteen States have grown to be thirty-one, with relations reaching to Europe on the one side and on the other to the distant realms of Asia.

I am deeply sensible of the immense responsibility which the present magnitude of the Republic and the diversity and multiplicity of its interests devolves upon me, the alleviation of which so far as relates to the

immediate conduct of the public business, is, first, in my reliance on the wisdom and patriotism of the two Houses of Congress, and, secondly, in the directions afforded me by the principles of public polity affirmed by our fathers of the epoch of 1798, sanctioned by long experience, and consecrated anew by the overwhelming voice of the people of the United States.

Recurring to these principles, which constitute the organic basis of union, we perceive that vast as are the functions and the duties of the Federal Government, vested in or intrusted to its three great departments—the legislative, executive, and judicial—yet the substantive power, the popular force, and the large capacities for social and material development exist in the respective States, which, all being of themselves well-constituted republics, as they preceded so they alone are capable of maintaining and perpetuating the American Union. The Federal Government has its appropriate line of action in the specific and limited powers conferred on it by the Constitution, chiefly as to those things in which the States have a common interest in their relations to one another and to foreign governments, while the great mass of interests which belong to cultivated men—the ordinary business of life, the springs of industry, all the diversified personal and domestic affairs of society—rest securely upon the general reserved powers of the people of the several States. There is the effective democracy of the nation, and there the vital essence of its being and its greatness.

Of the practical consequences which flow from the nature of the Federal Government, the primary one is the duty of administering with integrity and fidelity the high trust reposed in it by the Constitution, especially in the application of the public funds as drawn by taxation from the people and appropriated to specific objects by Congress.

Happily, I have no occasion to suggest any radical changes in the financial policy of the Government. Ours is almost, if not absolutely, the solitary power of Christendom having a surplus revenue drawn immediately from imposts on commerce, and therefore measured by the spontaneous enterprise and national prosperity of the country, with such indirect relation to agriculture, manufactures, and the products of the earth and sea as to violate no constitutional doctrine and yet vigorously promote the general welfare. Neither as to the sources of the public treasure nor as to the manner of keeping and managing it does any grave controversy now prevail, there being a general acquiescence in the wisdom of the present system.

The report of the Secretary of the Treasury will exhibit in detail the state of the public finances and the condition of the various branches of the public service administered by that Department of the Government.

The revenue of the country, levied almost insensibly to the taxpayer, goes on from year to year, increasing beyond either the interests or the prospective wants of the Government.

At the close of the fiscal year ending June 30, 1852, there remained in the Treasury a balance of $14,632,136. The public revenue for the fiscal year ending June 30, 1853, amounted to $58,931,865 from customs and to $2,405,708 from public lands and other miscellaneous sources, amounting together to $61,337,574, while the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to $43,554,262, leaving a balance of $32,425,447 of receipts above expenditures.

This fact of increasing surplus in the Treasury became the subject of anxious consideration at a very early period of my Administration, and the path of duty in regard to it seemed to me obvious and clear, namely: First, to apply the surplus revenue to the discharge of the public debt so far as it could judiciously be done, and, secondly, to devise means for the gradual reduction of the revenue to the standard of the public exigencies.

Of these objects the first has been in the course of accomplishment in a manner and to a degree highly satisfactory. The amount of the public debt of all classes was on the 4th of March, 1853, $69,190,037, payments on account of which have been made since that period to the amount of $12,703,329, leaving unpaid and in continuous course of liquidation the sum of $56,486,708. These payments, although made at the market price of the respective classes of stocks, have been effected readily and to the general advantage of the Treasury, and have at the same time proved of signal utility in the relief they have incidentally afforded to the money market and to the industrial and commercial pursuits of the country.

The second of the above-mentioned objects, that of the reduction of the tariff, is of great importance, and the plan suggested by the Secretary of the Treasury, which is to reduce the duties on certain articles and to add to the free list many articles now taxed, and especially such as enter into manufactures and are not largely, or at all, produced in the country, is commended to your candid and careful consideration.

You will find in the report of the Secretary of the Treasury, also, abundant proof of the entire adequacy of the present fiscal system to meet all the requirements of the public service, and that, while properly administered, it operates to the advantage of the community in ordinary business relations.

I respectfully ask your attention to sundry suggestions of improvements in the settlement of accounts, especially as regards the large sums of outstanding arrears due to the Government, and of other reforms in the administrative action of his Department which are indicated by the Secretary; as also to the progress made in the construction of marine hospitals, custom-houses, and of a new mint in California and assay office in the city of New York, heretofore provided for by Congress, and also to the eminently successful progress of the Coast Survey and of the Light-House Board.

Among the objects meriting your attention will be important recommendations from the Secretaries of War and Navy. I am fully satisfied that the Navy of the United States is not in a condition of strength and efficiency commensurate with the magnitude of our commercial and other interests, and commend to your especial attention the suggestions on this subject made by the Secretary of the Navy. I respectfully submit that the Army, which under our system must always be regarded with the highest interest as a nucleus around which the volunteer forces of the nation gather in the hour of danger, requires augmentation, or modification, to adapt it to the present extended limits and frontier relations of the country and the condition of the Indian tribes in the interior of the continent, the necessity of which will appear in the communications of the Secretaries of War and the Interior.

In the administration of the Post-Office Department for the fiscal year ending June 30, 1853, the gross expenditure was $7,982,756, and the gross receipts during the same period $5,942,734, showing that the current revenue failed to meet the current expenses of the Department by the sum of $2,042,032. The causes which, under the present postal system and laws, led inevitably to this result are fully explained by the report of the Postmaster-General, one great cause being the enormous rates the Department has been compelled to pay for mail service rendered by railroad companies.

The exhibit in the report of the Postmaster-General of the income and expenditures by mail steamers will be found peculiarly interesting and of a character to demand the immediate action of Congress.

Numerous and flagrant frauds upon the Pension Bureau have been brought to light within the last year, and in some instances merited punishments inflicted; but, unfortunately, in others guilty parties have escaped, not through the want of sufficient evidence to warrant a conviction, but in consequence of the provisions of limitation in the existing laws.

From the nature of these claims, the remoteness of the tribunals to pass upon them, and the mode in which the proof is of necessity furnished, temptations to crime have been greatly stimulated by the obvious difficulties of detection. The defects in the law upon this subject are so apparent and so fatal to the ends of justice that your early action relating to it is most desirable.

During the last fiscal year 9,819,411 acres of the public lands have been surveyed and 10,363,891 acres brought into market. Within the same period the sales by public purchase and private entry amounted to 1,083,495 acres; located under military bounty-land warrants, 6,142,360 acres; located under other certificates, 9,427 acres; ceded to the States as swamp lands, 16,684,253 acres; selected for railroad and other objects under acts of Congress, 1,427,457 acres; total amount of lands disposed of within the fiscal year, 25,346,902 acres, which is an increase in quantity sold and

located under land warrants and grants of 12,231,818 acres over the fiscal year immediately preceding. The quantity of land sold during the second and third quarters of 1852 was 334,451 acres; the amount received therefor was $623,687. The quantity sold the second and third quarters of the year 1853 was 1,609,919 acres, and the amount received therefor $2,226,876.

The whole number of land warrants issued under existing laws prior to the 30th of September last was 266,042, of which there were outstanding at that date 66,947. The quantity of land required to satisfy these outstanding warrants is 4,778,120 acres.

Warrants have been issued to 30th of September last under the act of 11th February, 1847, calling for 12,879,280 acres, under acts of September 28, 1850, and March 22, 1852, calling for 12,505,360 acres, making a total of 25,384,640 acres.

It is believed that experience has verified the wisdom and justice of the present system with regard to the public domain in most essential particulars.

You will perceive from the report of the Secretary of the Interior that opinions which have often been expressed in relation to the operation of the land system as not being a source of revenue to the Federal Treasury were erroneous. The net profits from the sale of the public lands to June 30, 1853, amounted to the sum of $53,289,465.

I recommend the extension of the land system over the Territories of Utah and New Mexico, with such modifications as their peculiarities may require.

Regarding our public domain as chiefly valuable to provide homes for the industrious and enterprising, I am not prepared to recommend any essential change in the land system, except by modifications in favor of the actual settler and an extension of the preemption principle in certain cases, for reasons and on grounds which will be fully developed in the reports to be laid before you.

Congress, representing the proprietors of the territorial domain and charged especially with power to dispose of territory belonging to the United States, has for a long course of years, beginning with the Administration of Mr. Jefferson, exercised the power to construct roads within the Territories, and there are so many and obvious distinctions between this exercise of power and that of making roads within the States that the former has never been considered subject to such objections as apply to the latter; and such may now be considered the settled construction of the power of the Federal Government upon the subject.

Numerous applications have been and no doubt will continue to be made for grants of land in aid of the construction of railways. It is not believed to be within the intent and meaning of the Constitution that the power to dispose of the public domain should be used otherwise than might be expected from a prudent proprietor, and therefore that grants

of land to aid in the construction of roads should be restricted to cases where it would be for the interest of a proprietor under like circumstances thus to contribute to the construction of these works. For the practical operation of such grants thus far in advancing the interests of the States in which the works are located, and at the same time the substantial interests of all the other States, by enhancing the value and promoting the rapid sale of the public domain, I refer you to the report of the Secretary of the Interior. A careful examination, however, will show that this experience is the result of a just discrimination and will be far from affording encouragement to a reckless or indiscriminate extension of the principle.

I commend to your favorable consideration the men of genius of our country who by their inventions and discoveries in science and arts have contributed largely to the improvements of the age without, in many instances, securing for themselves anything like an adequate reward. For many interesting details upon this subject I refer you to the appropriate reports, and especially urge upon your early attention the apparently slight, but really important, modifications of existing laws therein suggested.

The liberal spirit which has so long marked the action of Congress in relation to the District of Columbia will, I have no doubt, continue to be manifested.

The erection of an asylum for the insane of the District of Columbia and of the Army and Navy of the United States has been somewhat retarded by the great demand for materials and labor during the past summer, but full preparation for the reception of patients before the return of another winter is anticipated; and there is the best reason to believe, from the plan and contemplated arrangements which have been devised, with the large experience furnished within the last few years in relation to the nature and treatment of the disease, that it will prove an asylum indeed to this most helpless and afflicted class of sufferers and stand as a noble monument of wisdom and mercy.

Under the acts of Congress of August 31, 1852, and of March 3, 1853, designed to secure for the cities of Washington and Georgetown an abundant supply of good and wholesome water, it became my duty to examine the report and plans of the engineer who had charge of the surveys under the act first named. The best, if not the only, plan calculated to secure permanently the object sought was that which contemplates taking the water from the Great Falls of the Potomac, and consequently I gave to it my approval.

For the progress and present condition of this important work and for its demands so far as appropriations are concerned I refer you to the report of the Secretary of War.

The present judicial system of the United States has now been in operation for so long a period of time and has in its general theory and

much of its details become so familiar to the country and acquired so entirely the public confidence that if modified in any respect it should only be in those particulars which may adapt it to the increased extent, population, and legal business of the United States. In this relation the organization of the courts is now confessedly inadequate to the duties to be performed by them, in consequence of which the States of Florida, Wisconsin, Iowa, Texas, and California, and districts of other States, are in effect excluded from the full benefits of the general system by the functions of the circuit court being devolved on the district judges in all those States or parts of States.

The spirit of the Constitution and a due regard to justice require that all the States of the Union should be placed on the same footing in regard to the judicial tribunals. I therefore commend to your consideration this important subject, which in my judgment demands the speedy action of Congress. I will present to you, if deemed desirable, a plan which I am prepared to recommend for the enlargement and modification of the present judicial system.

The act of Congress establishing the Smithsonian Institution provided that the President of the United States and other persons therein designated should constitute an "establishment" by that name, and that the members should hold stated and special meetings for the supervision of the affairs of the Institution. The organization not having taken place, it seemed to me proper that it should be effected without delay. This has been done; and an occasion was thereby presented for inspecting the condition of the Institution and appreciating its successful progress thus far and its high promise of great and general usefulness.

I have omitted to ask your favorable consideration for the estimates of works of a local character in twenty-seven of the thirty-one States, amounting to $1,754,500, because, independently of the grounds which have so often been urged against the application of the Federal revenue for works of this character, inequality, with consequent injustice, is inherent in the nature of the proposition, and because the plan has proved entirely inadequate to the accomplishment of the objects sought.

The subject of internal improvements, claiming alike the interest and good will of all, has, nevertheless, been the basis of much political discussion and has stood as a deep-graven line of division between statesmen of eminent ability and patriotism. The rule of strict construction of all powers delegated by the States to the General Government has arrayed itself from time to time against the rapid progress of expenditures from the National Treasury on works of a local character within the States. Memorable as an epoch in the history of this subject is the message of President Jackson of the 27th of May, 1830, which met the system of internal improvements in its comparative infancy; but so rapid had been its growth that the projected appropriations in that year for works of this character had risen to the alarming amount of more than $100,000,000.

In that message the President admitted the difficulty of bringing back the operations of the Government to the construction of the Constitution set up in 1798, and marked it as an admonitory proof of the necessity of guarding that instrument with sleepless vigilance against the authority of precedents which had not the sanction of its most plainly defined powers.

Our Government exists under a written compact between sovereign States, uniting for specific objects and with specific grants to their general agent. If, then, in the progress of its administration there have been departures from the terms and intent of the compact, it is and will ever be proper to refer back to the fixed standard which our fathers left us and to make a stern effort to conform our action to it. It would seem that the fact of a principle having been resisted from the first by many of the wisest and most patriotic men of the Republic, and a policy having provoked constant strife without arriving at a conclusion which can be regarded as satisfactory to its most earnest advocates, should suggest the inquiry whether there may not be a plan likely to be crowned by happier results. Without perceiving any sound distinction or intending to assert any principle as opposed to improvements needed for the protection of internal commerce which does not equally apply to improvements upon the seaboard for the protection of foreign commerce, I submit to you whether it may not be safely anticipated that if the policy were once settled against appropriations by the General Government for local improvements for the benefit of commerce, localities requiring expenditures would not, by modes and means clearly legitimate and proper, raise the fund necessary for such constructions as the safety or other interests of their commerce might require.

If that can be regarded as a system which in the experience of more than thirty years has at no time so commanded the public judgment as to give it the character of a settled policy; which, though it has produced some works of conceded importance, has been attended with an expenditure quite disproportionate to their value and has resulted in squandering large sums upon objects which have answered no valuable purpose, the interests of all the States require it to be abandoned unless hopes may be indulged for the future which find no warrant in the past.

With an anxious desire for the completion of the works which are regarded by all good citizens with sincere interest, I have deemed it my duty to ask at your hands a deliberate reconsideration of the question, with a hope that, animated by a desire to promote the permanent and substantial interests of the country, your wisdom may prove equal to the task of devising and maturing a plan which, applied to this subject, may promise something better than constant strife, the suspension of the powers of local enterprise, the exciting of vain hopes, and the disappointment of cherished expectations.

In expending the appropriations made by the last Congress several

cases have arisen in relation to works for the improvement of harbors which involve questions as to the right of soil and jurisdiction, and have threatened conflict between the authority of the State and General Governments. The right to construct a breakwater, jetty, or dam would seem necessarily to carry with it the power to protect and preserve such constructions. This can only be effectually done by having jurisdiction over the soil. But no clause of the Constitution is found on which to rest the claim of the United States to exercise jurisdiction over the soil of a State except that conferred by the eighth section of the first article of the Constitution. It is, then, submitted whether, in all cases where constructions are to be erected by the General Government, the right of soil should not first be obtained and legislative provision be made to cover all such cases.

For the progress made in the construction of roads within the Territories, as provided for in the appropriations of the last Congress, I refer you to the report of the Secretary of War.

There is one subject of a domestic nature which, from its intrinsic importance and the many interesting questions of future policy which it involves, can not fail to receive your early attention. I allude to the means of communication by which different parts of the wide expanse of our country are to be placed in closer connection for purposes both of defense and commercial intercourse, and more especially such as appertain to the communication of those great divisions of the Union which lie on the opposite sides of the Rocky Mountains.

That the Government has not been unmindful of this heretofore is apparent from the aid it has afforded through appropriations for mail facilities and other purposes. But the general subject will now present itself under aspects more imposing and more purely national by reason of the surveys ordered by Congress, and now in the process of completion, for communication by railway across the continent, and wholly within the limits of the United States.

The power to declare war, to raise and support armies, to provide and maintain a navy, and to call forth the militia to execute the laws, suppress insurrections, and repel invasions was conferred upon Congress as means to provide for the common defense and to protect a territory and a population now widespread and vastly multiplied. As incidental to and indispensable for the exercise of this power, it must sometimes be necessary to construct military roads and protect harbors of refuge. To appropriations by Congress for such objects no sound objection can be raised. Happily for our country, its peaceful policy and rapidly increasing population impose upon us no urgent necessity for preparation, and leave but few trackless deserts between assailable points and a patriotic people ever ready and generally able to protect them. These necessary links the enterprise and energy of our people are steadily and boldly struggling to supply. All experience affirms that wherever private enterprise

will avail it is most wise for the General Government to leave to that and individual watchfulness the location and execution of all means of communication.

The surveys before alluded to were designed to ascertain the most practicable and economical route for a railroad from the river Mississippi to the Pacific Ocean. Parties are now in the field making explorations, where previous examinations had not supplied sufficient data and where there was the best reason to hope the object sought might be found. The means and time being both limited, it is not to be expected that all the accurate knowledge desired will be obtained, but it is hoped that much and important information will be added to the stock previously possessed, and that partial, if not full, reports of the surveys ordered will be received in time for transmission to the two Houses of Congress on or before the first Monday in February next, as required by the act of appropriation. The magnitude of the enterprise contemplated has aroused and will doubtless continue to excite a very general interest throughout the country. In its political, its commercial, and its military bearings it has varied, great, and increasing claims to consideration. The heavy expense, the great delay, and, at times, fatality attending travel by either of the Isthmus routes have demonstrated the advantage which would result from interterritorial communication by such safe and rapid means as a railroad would supply.

These difficulties, which have been encountered in a period of peace, would be magnified and still further increased in time of war. But whilst the embarrassments already encountered and others under new contingencies to be anticipated may serve strikingly to exhibit the importance of such a work, neither these nor all considerations combined can have an appreciable value when weighed against the obligation strictly to adhere to the Constitution and faithfully to execute the powers it confers.

Within this limit and to the extent of the interest of the Government involved it would seem both expedient and proper if an economical and practicable route shall be found to aid by all constitutional means in the construction of a road which will unite by speedy transit the populations of the Pacific and Atlantic States. To guard against misconception, it should be remarked that although the power to construct or aid in the construction of a road within the limits of a Territory is not embarrassed by that question of jurisdiction which would arise within the limits of a State, it is, nevertheless, held to be of doubtful power and more than doubtful propriety, even within the limits of a Territory, for the General Government to undertake to administer the affairs of a railroad, a canal, or other similar construction, and therefore that its connection with a work of this character should be incidental rather than primary. I will only add at present that, fully appreciating the magnitude of the subject and solicitous that the Atlantic and Pacific shores of the Republic may be bound together by inseparable ties of common interest, as well

as of common fealty and attachment to the Union, I shall be disposed, so far as my own action is concerned, to follow the lights of the Constitution as expounded and illustrated by those whose opinions and expositions constitute the standard of my political faith in regard to the powers of the Federal Government. It is, I trust, not necessary to say that no grandeur of enterprise and no present urgent inducement promising popular favor will lead me to disregard those lights or to depart from that path which experience has proved to be safe, and which is now radiant with the glow of prosperity and legitimate constitutional progress. We can afford to wait, but we can not afford to overlook the ark of our security.

It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfill the object of a wise design. When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose bearing upon the domestic institutions of one portion of the Confederacy and involving the constitutional rights of the States. But notwithstanding differences of opinion and sentiment which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, has given renewed vigor to our institutions and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured. The wisdom of men who knew what independence cost, who had put all at stake upon the issue of the Revolutionary struggle, disposed of the subject to which I refer in the only way consistent with the Union of these States and with the march of power and prosperity which has made us what we are. It is a significant fact that from the adoption of the Constitution until the officers and soldiers of the Revolution had passed to their graves, or, through the infirmities of age and wounds, had ceased to participate actively in public affairs, there was not merely a quiet acquiescence in, but a prompt vindication of, the constitutional rights of the States. The reserved powers were scrupulously respected. No statesman put forth the narrow views of casuists to justify interference and agitation, but the spirit of the compact was regarded as sacred in the eye of honor and indispensable for the great experiment of civil liberty, which, environed by inherent difficulties, was yet borne forward in apparent weakness by a power superior to all obstacles. There is no condemnation which the voice of freedom will not pronounce upon us should we

prove faithless to this great trust. While men inhabiting different parts of this vast continent can no more be expected to hold the same opinions or entertain the same sentiments than every variety of climate or soil can be expected to furnish the same agricultural products, they can unite in a common object and sustain common principles essential to the maintenance of that object. The gallant men of the South and the North could stand together during the struggle of the Revolution; they could stand together in the more trying period which succeeded the clangor of arms. As their united valor was adequate to all the trials of the camp and dangers of the field, so their united wisdom proved equal to the greater task of founding upon a deep and broad basis institutions which it has been our privilege to enjoy and will ever be our most sacred duty to sustain. It is but the feeble expression of a faith strong and universal to say that their sons, whose blood mingled so often upon the same field during the War of 1812 and who have more recently borne in triumph the flag of the country upon a foreign soil, will never permit alienation of feeling to weaken the power of their united efforts nor internal dissensions to paralyze the great arm of freedom, uplifted for the vindication of self-government.

I have thus briefly presented such suggestions as seem to me especially worthy of your consideration. In providing for the present you can hardly fail to avail yourselves of the light which the experience of the past casts upon the future.

The growth of our population has now brought us, in the destined career of our national history, to a point at which it well behooves us to expand our vision over the vast prospective.

The successive decennial returns of the census since the adoption of the Constitution have revealed a law of steady, progressive development, which may be stated in general terms as a duplication every quarter century. Carried forward from the point already reached for only a short period of time, as applicable to the existence of a nation, this law of progress, if unchecked, will bring us to almost incredible results. A large allowance for a diminished proportional effect of emigration would not very materially reduce the estimate, while the increased average duration of human life known to have already resulted from the scientific and hygienic improvements of the past fifty years will tend to keep up through the next fifty, or perhaps hundred, the same ratio of growth which has been thus revealed in our past progress; and to the influence of these causes may be added the influx of laboring masses from eastern Asia to the Pacific side of our possessions, together with the probable accession of the populations already existing in other parts of our hemisphere, which within the period in question will feel with yearly increasing force the natural attraction of so vast, powerful, and prosperous a confederation of self-governing republics and will seek the privilege of being admitted within its safe and happy bosom, transferring with themselves,

by a peaceful and healthy process of incorporation, spacious regions of virgin and exuberant soil, which are destined to swarm with the fast-growing and fast-spreading millions of our race.

These considerations seem fully to justify the presumption that the law of population above stated will continue to act with undiminished effect through at least the next half century, and that thousands of persons who have already arrived at maturity and are now exercising the rights of freemen will close their eyes on the spectacle of more than 100,000,000 of population embraced within the majestic proportions of the American Union. It is not merely as an interesting topic of speculation that I present these views for your consideration. They have important practical bearings upon all the political duties we are called upon to perform. Heretofore our system of government has worked on what may be termed a miniature scale in comparison with the development which it must thus assume within a future so near at hand as scarcely to be beyond the present of the existing generation.

It is evident that a confederation so vast and so varied, both in numbers and in territorial extent, in habits and in interests, could only be kept in national cohesion by the strictest fidelity to the principles of the Constitution as understood by those who have adhered to the most restricted construction of the powers granted by the people and the States. Interpreted and applied according to those principles, the great compact adapts itself with healthy ease and freedom to an unlimited extension of that benign system of federative self-government of which it is our glorious and, I trust, immortal charter. Let us, then, with redoubled vigilance, be on our guard against yielding to the temptation of the exercise of doubtful powers, even under the pressure of the motives of conceded temporary advantage and apparent temporary expediency.

The minimum of Federal government compatible with the maintenance of national unity and efficient action in our relations with the rest of the world should afford the rule and measure of construction of our powers under the general clauses of the Constitution. A spirit of strict deference to the sovereign rights and dignity of every State, rather than a disposition to subordinate the States into a provincial relation to the central authority, should characterize all our exercise of the respective powers temporarily vested in us as a sacred trust from the generous confidence of our constituents.

In like manner, as a manifestly indispensable condition of the perpetuation of the Union and of the realization of that magnificent national future adverted to, does the duty become yearly stronger and clearer upon us, as citizens of the several States, to cultivate a fraternal and affectionate spirit, language, and conduct in regard to other States and in relation to the varied interests, institutions, and habits of sentiment and opinion which may respectively characterize them. Mutual forbearance, respect, and noninterference in our personal action as citi-

zens and an enlarged exercise of the most liberal principles of comity in the public dealings of State with State, whether in legislation or in the execution of laws, are the means to perpetuate that confidence and fraternity the decay of which a mere political union, on so vast a scale, could not long survive.

In still another point of view is an important practical duty suggested by this consideration of the magnitude of dimensions to which our political system, with its corresponding machinery of government, is so rapidly expanding. With increased vigilance does it require us to cultivate the cardinal virtues of public frugality and official integrity and purity. Public affairs ought to be so conducted that a settled conviction shall pervade the entire Union that nothing short of the highest tone and standard of public morality marks every part of the administration and legislation of the General Government. Thus will the federal system, whatever expansion time and progress may give it, continue more and more deeply rooted in the love and confidence of the people.

That wise economy which is as far removed from parsimony as from corrupt and corrupting extravagance; that single regard for the public good which will frown upon all attempts to approach the Treasury with insidious projects of private interest cloaked under public pretexts; that sound fiscal administration which, in the legislative department, guards against the dangerous temptations incident to overflowing revenue, and, in the executive, maintains an unsleeping watchfulness against the tendency of all national expenditure to extravagance, while they are admitted elementary political duties, may, I trust, be deemed as properly adverted to and urged in view of the more impressive sense of that necessity which is directly suggested by the considerations now presented.

Since the adjournment of Congress the Vice-President of the United States has passed from the scenes of earth, without having entered upon the duties of the station to which he had been called by the voice of his countrymen. Having occupied almost continuously for more than thirty years a seat in one or the other of the two Houses of Congress, and having by his singular purity and wisdom secured unbounded confidence and universal respect, his failing health was watched by the nation with painful solicitude. His loss to the country, under all the circumstances, has been justly regarded as irreparable.

In compliance with the act of Congress of March 2, 1853, the oath of office was administered to him on the 24th of that month at Ariadne estate, near Matanzas, in the island of Cuba; but his strength gradually declined, and was hardly sufficient to enable him to return to his home in Alabama, where, on the 18th day of April, in the most calm and peaceful way, his long and eminently useful career was terminated.

Entertaining unlimited confidence in your intelligent and patriotic devotion to the public interest, and being conscious of no motives on my part which are not inseparable from the honor and advancement

of my country, I hope it may be my privilege to deserve and secure not only your cordial cooperation in great public measures, but also those relations of mutual confidence and regard which it is always so desirable to cultivate between members of coordinate branches of the Government.

FRANKLIN PIERCE.

SPECIAL MESSAGES.

WASHINGTON, *December 12, 1853.*

To the Senate of the United States:

In answer to the resolutions of the Senate of the 17th of August, 1852, and 23d of February last, requesting a copy of correspondence relative to the claim on the Government of Portugal in the case of the brig *General Armstrong*, I transmit a report from the Secretary of State, to whose Department the resolutions were referred.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1853.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and Paraguay, concluded on the 4th of March last.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1853.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty for the free navigation of the rivers Parana and Uruguay between the United States and the Argentine Confederation, concluded on the 10th of July last.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1853.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and the Argentine Confederation, concluded on the 27th of July last.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1853.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for the mutual extradition of fugitives from justice in certain cases, concluded at London on the 12th day of September last between the Government of the United States and the Kingdom of Bavaria.

FRANKLIN PIERCE.

WASHINGTON, *December 19, 1853.*

To the Senate of the United States:

I transmit certain documents in answer to the resolution of the Senate of the 6th of April ultimo, requesting information in regard to transactions between Captain Hollins, of the *Cyane*, and the authorities at San Juan de Nicaragua.

FRANKLIN PIERCE.

WASHINGTON, *December 23, 1853.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 18th January, 1853, in regard to the claims of American citizens against Hayti and to the correspondence of the special agent sent to Hayti and St. Domingo in 1849, I transmit a report from the Secretary of State and the documents by which it is accompanied.

FRANKLIN PIERCE.

WASHINGTON, *December 31, 1853.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, with accompanying papers,* in answer to their resolution of the 12th instant.

FRANKLIN PIERCE.

WASHINGTON CITY, *January 9, 1854.*

To the Senate of the United States:

I herewith communicate to the Senate a letter from the Secretary of the Interior, accompanied by a report of the result of an investigation of the charge of fraud and misconduct in office alleged against Alexander Ramsey, superintendent of Indian affairs in Minnesota, which I have caused to be made in compliance with the Senate's resolution of the 5th of April last.

FRANKLIN PIERCE.

* Correspondence relative to the treaty of Washington of July 4, 1850, between Great Britain and the United States.

WASHINGTON, *January 9, 1854.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 3d of January, 1854, I have the honor to transmit herewith a letter of the Secretary of the Navy and the papers* accompanying it.

FRANKLIN PIERCE.

WASHINGTON, *January 19, 1854.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying documents,† in compliance with the resolution of the House of Representatives of the 3d instant.

FRANKLIN PIERCE.

WASHINGTON, *January 23, 1854.*

To the Senate and House of Representatives:

I transmit to Congress a report of the Secretary of State, together with the set of works illustrative of the exhibition in London of 1851 to which it refers, in order that such disposal may be made of them as may be deemed advisable.

FRANKLIN PIERCE.

WASHINGTON, *January 25, 1854.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with accompanying documents,‡ in compliance with a resolution of the Senate of the 23d instant.

FRANKLIN PIERCE.

WASHINGTON, *February 2, 1854.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying documents,§ in compliance with the resolution of the House of Representatives of the 30th ultimo.

FRANKLIN PIERCE.

*Correspondence with and orders to commanders of vessels or squadrons on the Atlantic coast of British North America relative to protecting the rights of fishing and navigation secured to citizens of the United States under treaties with Great Britain.

†Relating to seizure and imprisonment by Spanish authorities at Puerto Rico of officers and crew of schooner *North Carolina*.

‡Relating to a complimentary mission to the United States of Archbishop Gaetano Bedini, apostolic nuncio to the Empire of Brazil, for the purpose of conveying, in the name of Pope Pius IX, sentiments of regard for the President of the United States.

§Correspondence with the American chargé to Austria relative to the claim of Simon Tousig to the protection of the United States.

EXECUTIVE OFFICE, *February 4, 1854.*

To the Senate of the United States:

I submit to the Senate herewith, for their constitutional action thereon, a treaty negotiated on the 27th of July, 1853, by Agent Thomas Fitzpatrick, on behalf of the United States, with the Comanche, Kiowa, and Apache Indians inhabiting the territory on the Arkansas River.

FRANKLIN PIERCE.

EXECUTIVE OFFICE, *February 4, 1854.*

To the Senate of the United States:

I submit to the Senate herewith, for their constitutional action thereon, two treaties, one negotiated on the 10th day of September, 1853, by Superintendent Joel Palmer and Agent Samuel H. Culver, on the part of the United States, and the chiefs and headmen of the bands of the Rogue River tribe of Indians in Oregon; the other negotiated on the 19th of the same month, on behalf of the Government by the said superintendent, with the chiefs of the Crow Creek band of Umpqua Indians in said Territory.

FRANKLIN PIERCE.

WASHINGTON, *February 6, 1854.*

To the House of Representatives:

I transmit a report from the Secretary of State upon the subject of the resolution* of the House of Representatives of the 14th of December last, and recommend that the appropriation therein suggested as being necessary to enable him to comply with the resolution be made.

FRANKLIN PIERCE.

WASHINGTON, *February 10, 1854.*

To the Senate and House of Representatives:

I herewith transmit a communication from the Secretary of the Navy, accompanied by the second part of Lieutenant Herndon's report of the exploration of the valley of the Amazon and its tributaries, made by him in connection with Lieutenant Lardner Gibbon under instructions from the Navy Department.

FRANKLIN PIERCE.

WASHINGTON, *February 10, 1854.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and the Mexican Republic, signed by the plenipotentiaries of the parties in the City of Mexico on

*Requesting a statement of the privileges and restrictions of the commercial intercourse of the United States with foreign nations and a comparative statement between the tariff of the United States and other nations.

the 30th of December last. Certain amendments are proposed to the instrument, as hereinafter specified, viz:

In order to make the duties and obligations stipulated in the second article reciprocal, it is proposed to add to that article the following:

And the Government of Mexico agrees that the stipulations contained in this article to be performed by the United States shall be reciprocal, and Mexico shall be under like obligations to the United States and the citizens thereof as those hereinabove imposed on the latter in favor of the Republic of Mexico and Mexican citizens.

It is also recommended that for the third article of the original treaty the following shall be adopted as a substitute:

In consideration of the grants received by the United States and the obligations relinquished by the Mexican Republic pursuant to this treaty, the former agree to pay to the latter the sum of $15,000,000 in gold or silver coin at the Treasury at Washington, one-fifth of the amount on the exchange of ratifications of the present treaty at Washington and the remaining four-fifths in monthly installments of three millions each, with interest at the rate of 6 per cent per annum until the whole be paid, the Government of the United States reserving the right to pay up the whole sum of fifteen millions at an earlier date, as may be to it convenient.

The United States also agree to assume all the claims of their citizens against the Mexican Republic which may have arisen under treaty or the law of nations since the date of the signature of the treaty of Guadalupe, and the Mexican Republic agrees to exonerate the United States of America from all claims of Mexico or Mexican citizens which may have arisen under treaty or the law of nations since the date of the treaty of Guadalupe, so that each Government, in the most formal and effective manner, shall be exempted and exonerated of all such obligations to each other respectively.

I also recommend that the eighth article be modified by striking out all after the word "attempts" in the twenty-third line of that article. The part to be omitted is as follows:

They mutually and especially obligate themselves, in all cases of such lawless enterprises which may not have been prevented through the civil authorities before formation, to aid with the naval and military forces, on due notice being given by the aggrieved party of the aggressions of the citizens and subjects of the other, so that the lawless adventurers may be pursued and overtaken on the high seas, their elements of war destroyed, and the deluded captives held responsible in their persons and meet with the merited retribution inflicted by the laws of nations against all such disturbers of the peace and happiness of contiguous and friendly powers. It being understood that in all cases of successful pursuit and capture the delinquents so captured shall be judged and punished by the government of that nation to which the vessel capturing them may belong, conformably to the laws of each nation.

At the close of the instrument it will also be advisable to substitute "seventy-eighth" for "seventy-seventh" year of the Independence of the United States.

FRANKLIN PIERCE.

WASHINGTON, *February 13, 1854.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article to the convention for the establishment of

international copyright, which was concluded at Washington on the 17th of February, 1853, between the United States of America and Her Britannic Majesty, extending the time limited in that convention for the exchange of the ratifications of the same.

FRANKLIN PIERCE.

WASHINGTON, *February 23, 1854.*

To the Senate of the United States:

I communicate herewith a report from the Secretary of State and the documents* therein referred to, in compliance with the resolution of the Senate of the 13th instant.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1854.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, with accompanying documents,† in compliance with their resolution of the 2d ultimo.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1854.*

To the House of Representatives:

In accordance with the resolution of the House of Representatives of the 13th instant, requesting information respecting negotiations with Peru for the removal of restrictions upon the exportation of guano, I transmit herewith a report from the Secretary of State, with the correspondence therein referred to.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1854.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 23d January last, "that the President of the United States be respectfully requested to furnish this House with copies of all contracts made by and correspondence subsequently with the Chief of the Bureau of Topographical Engineers for furnishing materials of wood and stone for improving the harbors and rivers on Lake Michigan, under and by virtue of the act making appropriations for the improvement of certain harbors and rivers," approved August 30, 1852, I transmit a letter of the Secretary of War submitting a report of the Colonel of Topographical Engineers inclosing copies of the contracts and correspondence called for.

FRANKLIN PIERCE.

*Relating to the repair of the United States frigate *Susquehanna* at Rio de Janeiro.

†Communications from the American legation at Constantinople respecting the seizure of Martin Koszta by Austrian authorities at Smyrna.

WASHINGTON, *March 1, 1854.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 7th of December last, requesting me to present to the Senate the plan referred to in my annual message to Congress, and recommended therein, for the enlargement and modification of the present judicial system of the United States, I transmit a report from the Attorney-General, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1854.*

To the House of Representatives:

I transmit herewith a report of the Attorney-General, in answer to the resolutions of the House of the 22d of December, requesting me to communicate to the House the plan for the modification and enlargement of the judicial system of the United States, recommended in my annual message to Congress.

FRANKLIN PIERCE.

WASHINGTON, *March 7, 1854.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State and the documents* therein referred to, in answer to the resolution of the Senate of the 26th March, 1853.

FRANKLIN PIERCE.

WASHINGTON, *March 7, 1854.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State and the documents† therein referred to, in answer to the resolution of the Senate in executive session of the 3d January, 1854.

FRANKLIN PIERCE.

WASHINGTON, *March 11, 1854.*

To the Senate of the United States:

I transmit herewith to the Senate a report of the Secretary of State, with accompanying documents,‡ in compliance with their resolution of the 9th of March, 1853.

FRANKLIN PIERCE.

*Correspondence with R. C. Schenck, United States minister to Brazil, relative to the African slave trade.

†Correspondence with the Mexican Republic touching the eleventh article of the treaty of Guadalupe Hidalgo, and copies of instructions on that subject to the United States minister to Mexico.

‡Correspondence relative to the imprisonment, etc., of James H. West in the island of Cuba.

WASHINGTON, *March 14, 1854.*

To the Senate of the United States:

In transmitting to the Senate the report of the Secretary of State, together with the documents therein referred to, being the correspondence called for by the resolution of that body of the 9th of January last, I deem it proper to state briefly the reasons which have deterred me from sending to the Senate for ratification the proposed convention between the United States of America and the United Mexican States, concluded by the respective plenipotentiaries of the two Governments on the 21st day of March, 1853, on the subject of a transit way across the Isthmus of Tehuantepec.

Without adverting to the want of authority on the part of the American minister to conclude any such convention, or to the action of this Government in relation to the rights of certain of its citizens under the grant for a like object originally made to José Garay, the objections to it upon its face are numerous, and should, in my judgment, be regarded as conclusive.

Prominent among these objections is the fact that the convention binds us to a foreign Government, to guarantee the contract of a private company with that Government for the construction of the contemplated transit way, "to protect the persons engaged and property employed in the construction of the said work from the commencement thereof to its completion against all confiscation, spoliation, or violence of whatsoever nature," and to guarantee the entire security of the capital invested therein during the continuance of the contract. Such is the substance of the second and third articles.

Hence it will be perceived that the obligations which this Government is asked to assume are not to terminate in a few years, or even with the present generation.

And again: "If the regulations which may be prescribed concerning the traffic on said transit way shall be clearly contrary to the spirit and intention of this convention," even then this Government is not to be at liberty to withdraw its "protection and guaranty" without first giving one year's notice to the Mexican Government.

When the fact is duly considered that the responsibility of this Government is thus pledged for a long series of years to the interests of a private company established for purposes of internal improvement in a foreign country, and that country peculiarly subject to civil wars and other public vicissitudes, it will be seen how comprehensive and embarrassing would be those engagements to the Government of the United States.

Not less important than this objection is the consideration that the United States can not agree to the terms of this convention without disregarding the provisions of the eighth article of the convention which this Government entered into with Great Britain on April 19, 1850,

which expressly includes any interoceanic communication whatever by the Isthmus of Tehuantepec. However inconvenient may be the conditions of that convention, still they exist, and the obligations of good faith rest alike upon the United States and Great Britain.

Without enlarging upon these and other questionable features of the proposed convention which will suggest themselves to your minds, I will only add that after the most careful consideration I have deemed it my duty not to ask for its ratification by the Senate.

FRANKLIN PIERCE.

WASHINGTON, *March 15, 1854.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 10th instant, I herewith transmit a report of the Secretary of State, containing all the information received at the Department in relation to the seizure of the *Black Warrior* at Havana on the 28th ultimo.

There have been in the course of a few years past many other instances of aggression upon our commerce, violations of the rights of American citizens, and insults to the national flag by the Spanish authorities in Cuba, and all attempts to obtain redress have led to protracted, and as yet fruitless, negotiations.

The documents in these cases are voluminous, and when prepared will be sent to Congress.

Those now transmitted relate exclusively to the seizure of the *Black Warrior*, and present so clear a case of wrong that it would be reasonable to expect full indemnity therefor as soon as this unjustifiable and offensive conduct shall be made known to Her Catholic Majesty's Government; but similar expectations in other cases have not been realized.

The offending party is at our doors with large powers for aggression, but none, it is alleged, for reparation. The source of redress is in another hemisphere, and the answers to our just complaints made to the home Government are but the repetition of excuses rendered by inferior officials to their superiors in reply to representations of misconduct. The peculiar situation of the parties has undoubtedly much aggravated the annoyances and injuries which our citizens have suffered from the Cuban authorities, and Spain does not seem to appreciate to its full extent her responsibility for the conduct of these authorities. In giving very extraordinary powers to them she owes it to justice and to her friendly relations with this Government to guard with great vigilance against the exorbitant exercise of these powers, and in case of injuries to provide for prompt redress.

I have already taken measures to present to the Government of Spain the wanton injury of the Cuban authorities in the detention and seizure of the *Black Warrior*, and to demand immediate indemnity for the injury which has thereby resulted to our citizens.

In view of the position of the island of Cuba, its proximity to our coast, the relations which it must ever bear to our commercial and other interests, it is vain to expect that a series of unfriendly acts infringing our commercial rights and the adoption of a policy threatening the honor and security of these States can long consist with peaceful relations.

In case the measures taken for amicable adjustment of our difficulties with Spain should, unfortunately, fail, I shall not hesitate to use the authority and means which Congress may grant to insure the observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag.

In anticipation of that contingency, which I earnestly hope may not arise, I suggest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand.

FRANKLIN PIERCE.

EXECUTIVE OFFICE,
Washington, March 17, 1854.

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action, two treaties recently negotiated by the Commissioner of Indian Affairs, as commissioner on the part of the United States, with the delegates now at the seat of Government representing the confederated tribes of Otoes and Missourias and the Omaha Indians, for the extinguishment of their titles to lands west of the Missouri River.

FRANKLIN PIERCE.

EXECUTIVE OFFICE,
Washington, March 18, 1854.

Hon. LINN BOYD,
Speaker of the House of Representatives.

SIR: I transmit to you herewith a report of the present date from the Secretary of the Interior, accompanied by a tabular statement containing the information* called for by resolution of the House of Representatives adopted the 13th ultimo.

FRANKLIN PIERCE.

WASHINGTON, *March 21, 1854.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 15th instant, adopted in executive session, I transmit confidentially a report from the Secretary of State and the documents† by which it was accompanied. Pursuant

* Area of each State and Territory; extent of the public domain remaining in each State and Territory, and the extent alienated by sales, grants, etc.

† Instructions and correspondence relative to the negotiation of the treaty with Mexico of December 30, 1853, etc.

to the suggestion in the report, it is desirable that such of the papers as may be originals should be returned to the Department of State.

FRANKLIN PIERCE.

EXECUTIVE OFFICE, *March 25, 1854.*

Hon. LINN BOYD,

Speaker of the House of Representatives:

I communicate to the House of Representatives herewith a report from the Secretary of the Interior, dated the 24th instant, containing so much of the information called for by the resolution of the 17th instant as it is practicable or compatible with the public interest to furnish at the present time, respecting the proceedings which have been had and negotiations entered into for the extinguishment of the Indian titles to lands west of the States of Missouri and Iowa.

FRANKLIN PIERCE.

WASHINGTON, *March 29, 1854.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st instant, adopted in executive session, relative to the claims of the Mexican Government and of citizens of the Mexican Republic on this Government, and of citizens of the United States on the Government of that Republic, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *March 31, 1854.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 13th instant, requesting a confidential communication of information touching the expedition under the authority of this Government for the purpose of opening trade with Japan, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, D. C., *April 1, 1854.*

To the Senate of the United States:

I transmit herewith the report of the Secretary of State in reply to the resolution of the Senate of the 27th ultimo.

That part of the document which purports to recite my official instructions is strictly correct; that which is avowedly unofficial and unauthorized, it can hardly be necessary for me to say, in view of the documents already before the Senate, does not convey a correct impression of my "views and wishes."

At no time after an intention was entertained of sending Mr. Ward as special agent to Mexico was either the Garay grant or the convention entered into by Mr. Conkling alluded to otherwise than as subjects which might embarrass the negotiation of the treaty, and were consequently not included in the instructions.

While the departure of Mr. Ward, under any circumstances or in any respect, from the instructions committed to him is a matter of regret, it is just to say that, although he failed to convey in his letter to General Gadsden the correct import of remarks made by me anterior to his appointment as special agent, I impute to him no design of misrepresentation.

FRANKLIN PIERCE.

WASHINGTON, *April 5, 1854.*

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, with accompanying documents,* in compliance with their resolution of the 14th ultimo.

FRANKLIN PIERCE.

WASHINGTON, *April 5, 1854.*

To the House of Representatives of the United States:

I transmit herewith to the House of Representatives a report of the Secretary of State, with accompanying documents,† in further compliance with their resolution of the 10th of March, 1854.

FRANKLIN PIERCE.

WASHINGTON, *April 5, 1854.*

To the Senate of the United States:

I transmit herewith a report‡ from the Secretary of State, in answer to the resolution of the Senate in executive session of the 3d instant.

FRANKLIN PIERCE.

WASHINGTON, *April 8, 1854.*

To the House of Representatives:

I transmit herewith to the House of Representatives a report§ of the Secretary of State, in answer to their resolution of the 3d instant.

FRANKLIN PIERCE.

*Correspondence relative to the seizure of Martin Koszta by Austrian authorities at Smyrna.

†Relating to violations of the rights of American citizens by Spanish authorities and their refusal to allow United States vessels to enter ports of Cuba, etc.

‡Relating to expeditions organized in California for the invasion of Sonora, Mexico.

§Stating that the correspondence relative to the refusal by the authorities of Cuba to permit the United States mail steamer *Crescent City* to land mail and passengers at Havana had been transmitted with the message to the House of April 5, 1854.

WASHINGTON, *April 10, 1854.*

To the Senate of the United States:

I communicate to the Senate herewith a communication from the Secretary of the Interior, accompanied by the articles of a convention recently entered into for an exchange of country for the future residence of the Winnebago Indians, and recommend their ratification with the amendment suggested by the Secretary of the Interior.

FRANKLIN PIERCE.

WASHINGTON, *April 11, 1854.*

To the Senate of the United States:

I transmit herewith a report* from the Secretary of State, in reply to the Senate's resolution of yesterday passed in executive session.

FRANKLIN PIERCE.

WASHINGTON, *April 12, 1854.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying documents,† in compliance with the resolution of the House of Representatives of the 4th instant.

FRANKLIN PIERCE.

WASHINGTON, *April 13, 1854.*

To the Senate of the United States:

I transmit herewith a report‡ from the Secretary of State, in reply to the resolution of the Senate adopted in executive session yesterday.

FRANKLIN PIERCE.

WASHINGTON, *April 24, 1854.*

To the Senate of the United States:

I have the honor to transmit herewith a report of the Attorney-General, suggesting modifications in the manner of conducting the legal business of the Government, which are respectfully commended to your favorable consideration.

FRANKLIN PIERCE.

[The same message was also addressed to the Speaker of the House of Representatives.]

* Relating to claims growing out of the eleventh article of the treaty of Guadalupe Hidalgo.
† Correspondence relative to the seizure of Martin Koszta by Austrian authorities at Smyrna.
‡ Relating to the abrogation of the eleventh article of the treaty of Guadalupe Hidalgo, etc.

WASHINGTON, *April 27, 1854.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a correspondence between the Secretary of State and Her Britannic Majesty's minister accredited to this Government, and between the Secretary of State and the Secretary of the Treasury, relative to the expediency of further measures for the safety, health, and comfort of immigrants to the United States by sea. As it is probable that further legislation may be necessary for the purpose of securing those desirable objects, I commend the subject to the consideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *May 2, 1854.*

To the House of Representatives:

I transmit the report* of the Secretary of State in compliance with a resolution of the House of Representatives of the 5th ultimo.

It is presumed that the omission from the resolution of the usual clause giving the Executive a discretion in its answer was accidental, and as there does not appear to be anything in the accompanying papers which upon public considerations should require them to be withheld, they are communicated accordingly.

FRANKLIN PIERCE.

WASHINGTON, *May 5, 1854.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with accompanying documents,† in compliance with the resolution of the Senate of the 12th ultimo.

FRANKLIN PIERCE.

WASHINGTON, *May 5, 1854.*

To the Senate of the United States:

I transmit herewith a report‡ from the Secretary of State, together with the documents therein referred to, in compliance with the resolution of the Senate of the 12th January last.

FRANKLIN PIERCE.

* Relating to the application of Rev. James Cook Richmond for redress of wrongs alleged to have been committed by Austrian authorities in Pest, and to the refusal to grant an exequatur upon the commission of the United States consul appointed for Trieste.

† Correspondence relative to the arrest and detention at Bremen of Conrad Schmidt, and arrest and maltreatment at Heidelberg of E. T. Dana, W. B. Dingle, and David Ramsay, all citizens of the United States; correspondence with the King of Prussia relative to religious toleration.

‡ Relating to the impressment of seamen from the United States whale ship *Addison* at Valparaiso, and imprisonment of William A. Stewart, an American citizen, at Valparaiso on the charge of murder, and on conviction released by Chilean authorities.

WASHINGTON, *May 11, 1854.*

To the House of Representatives:

I transmit a report from the Secretary of State, with accompanying papers,* in answer to the resolution of the House of Representatives of the 1st instant.

FRANKLIN PIERCE.

WASHINGTON, *May 20, 1854.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with accompanying documents,† in compliance with the Senate's resolution of the 30th of January last.

FRANKLIN PIERCE.

WASHINGTON, *May 23, 1854.*

To the Senate of the United States:

I transmit a report from the Secretary of State, on the subject of documents‡ called for by the resolution of the Senate of the 9th instant.

FRANKLIN PIERCE.

WASHINGTON, *May 25, 1854.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, four several treaties recently negotiated in this city by George W. Manypenny, as commissioner on the part of the United States, with the delegates of the Delaware, Ioway, Kickapoo, and Sac and Fox tribes of Indians.

FRANKLIN PIERCE.

WASHINGTON, *May 29, 1854.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, a treaty negotiated on the 12th instant at the Falls of Wolf River, in Wisconsin, by Francis Huebschmann, superintendent of Indian affairs for the northern superintendency, and the Menomonee Indians, by the chiefs, headmen, and warriors of that tribe.

FRANKLIN PIERCE.

*Relating to the rights accorded to neutrals and the rights claimed by belligerents in the war between certain European powers.

†Correspondence relative to the difficulties between Rev. Jonas King and the Government of Greece.

‡Researches of H. S. Sanford, late chargé d'affaires at Paris, on the condition of penal law in continental Europe, etc.; also a "Memoir on the Administrative Changes in France since the Revolution of 1848," by H. S. Sanford.

WASHINGTON, *May 30, 1854.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of State, with accompanying documents,* in compliance with the resolution of the House of Representatives of the 20th December last.

FRANKLIN PIERCE.

WASHINGTON, *June 12, 1854.*

To the House of Representatives:

I transmit a report from the Secretary of State, with accompanying papers,† in answer to the resolution of the House of Representatives of the 24th of April last.

FRANKLIN PIERCE.

WASHINGTON, *June 19, 1854.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying documents,‡ in compliance with the resolution of the House of Representatives of the 30th ultimo.

FRANKLIN PIERCE.

WASHINGTON, *June 20, 1854.*

To the House of Representatives:

I have received information that the Government of Mexico has agreed to the several amendments proposed by the Senate to the treaty between the United States and the Republic of Mexico signed on the 30th of December last, and has authorized its envoy extraordinary to this Government to exchange the ratifications thereof. The time within which the ratifications can be exchanged will expire on the 30th instant.

There is a provision in the treaty for the payment by the United States to Mexico of the sum of $7,000,000 on the exchange of ratifications and the further sum of $3,000,000 when the boundaries of the ceded territory shall be settled.

To be enabled to comply with the stipulation according to the terms of the treaty relative to the payments therein mentioned, it will be necessary that Congress should make an appropriation of $7,000,000 for that purpose before the 30th instant, and also the further sum of $3,000,000, to be paid when the boundaries shall be established.

I therefore respectfully request that these sums may be put at the disposal of the Executive.

I herewith transmit to the House of Representatives a copy of the said treaty.

FRANKLIN PIERCE.

* Correspondence relative to the imposition of Sound dues, etc., upon United States commerce to the Baltic.

† Relating to the instructions referred to by President Monroe in his annual message of December 2, 1823, on the subject of the issue of commissions to private armed vessels.

‡ Correspondence of the American minister to Turkey relative to the expulsion of the Greeks from Constantinople.

WASHINGTON, *June 20, 1854.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty extending the right of fishing and regulating the commerce and navigation between Her Britannic Majesty's possessions in North America and the United States, concluded in this city on the 5th instant between the United States and Her Britannic Majesty.

FRANKLIN PIERCE.

WASHINGTON, *June 24, 1854.*

To the Senate and House of Representatives:

I transmit to Congress the copy of two communications of the 26th ultimo and 4th instant, respectively, from Her Britannic Majesty's minister accredited to this Government to the Secretary of State, relative to the health on shipboard of immigrants from foreign countries to the United States. This was the subject of my message to Congress of the 27th of April last.

FRANKLIN PIERCE.

WASHINGTON CITY, *June 29, 1854.*

To the Senate of the United States:

I herewith communicate to the Senate, for its constitutional action thereon, three treaties recently negotiated in this city by George W. Manypenny, as commissioner on the part of the United States; one concluded on the 19th ultimo with the delegates of the Shawnee Indians, one on the 5th instant with the Miami Indians, and the other on the 30th ultimo with the united tribes of Kaskaskia and Peoria and Wea and Piankeshaw Indians.

FRANKLIN PIERCE.

WASHINGTON, *July 3, 1854.*

To the Senate of the United States:

I transmit herewith to the Senate, for its constitutional action thereon, an article of agreement made on the 13th day of June, 1854, by William H. Garrett, agent on the part of the United States, and a delegation of Creek Indians, supplementary to the Creek treaty of 1838.

FRANKLIN PIERCE.

WASHINGTON, *July 5, 1854.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 1st instant, I herewith return the articles of convention made and concluded with the Winnebago Indians on the 6th of August, 1853, together with the Senate resolution of the 9th ultimo, advising and consenting to the ratification of the same with amendments.

FRANKLIN PIERCE.

To the House of Representatives:

WASHINGTON, *July 12, 1854.*

I transmit herewith the inclosed communication from the Secretary of the Navy, respecting the observations of Lieutenant James M. Gillis, of the United States Navy, and the accompanying documents.*

FRANKLIN PIERCE.

WASHINGTON, *July 12, 1854.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and the Empire of Japan, signed at Kanagawa on the 31st day of March last by the plenipotentiaries of the two Governments. The Chinese and Dutch translations of the instrument and the chart and sketch to which it refers are also herewith communicated.

FRANKLIN PIERCE.

WASHINGTON, *July 17, 1854.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Her Britannic Majesty for the extension of the period limited for the duration of the mixed commission under convention between the United States and Great Britain of the 8th of February, 1853.

FRANKLIN PIERCE.

WASHINGTON, *July 19, 1854.*

To the House of Representatives:

I transmit a report from the Secretary of State, with accompanying papers,† in answer to the resolution of the House of Representatives of the 6th of February last.

FRANKLIN PIERCE.

WASHINGTON, *July 22, 1854.*

To the Senate of the United States:

I have this day given my signature to the "Act making further appropriations for the improvement of the Cape Fear River, in North Carolina."

The occasion seems to render it proper for me to deviate from the ordinary course of announcing the approval of bills by an oral statement only, and, for the purpose of preventing any misapprehension which might otherwise arise from the phraseology of this act, to communicate in writing that my approval is given to it on the ground that the obstructions which the proposed appropriation is intended to remove are the result of acts of the General Government.

FRANKLIN PIERCE.

* Report of the United States naval astronomical expedition to the Southern Hemisphere.

† Correspondence of Humphrey Marshall, commissioner to China.

WASHINGTON, *July 24, 1854.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention concerning the rights of neutrals, concluded in this city on the 22d instant between the United States and His Majesty the Emperor of all the Russias.

FRANKLIN PIERCE.

WASHINGTON, *July 26, 1854.*

To the Senate of the United States:

I transmit a report from the Secretary of State, in answer to the resolution of the Senate of the 23d of May last, relative to the slave trade in the island of Cuba.

The information contained in the papers accompanying the report will, it is believed, be considered important, and perhaps necessary to enable the Senate to form an opinion upon the subjects to which they relate; but doubts may be entertained in regard to the expediency of publishing some of the documents at this juncture.

This communication is accordingly addressed to the Senate in executive session, in order that a discretion may be exercised in regard to its publication.

FRANKLIN PIERCE.

WASHINGTON, *July 27, 1854.*

THE PRESIDENT OF THE SENATE:

In compliance with the resolution of the Senate of the 24th instant, requesting me to cause to be transmitted to the Senate the Fourth Meteorological Report of Professor Espy, the accompanying papers and charts are respectfully submitted.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1854.*

To the Senate of the United States:

In compliance with the Senate resolution of the 10th July instant, requesting that I would "cause to be communicated to the Senate copies of all the correspondence and other official documents on file in the Department of the Interior respecting the claims of persons for services performed and supplies and subsistence furnished to Indians in California under contracts with Indian agents in the year 1851, and embracing the names of claimants, the amount, respectively, of their claims, on what account created and by what authority, if any," I transmit herewith a communication from the Secretary of the Interior, accompanied by copies of all the papers called for which have not heretofore been furnished. As it appears that most of the papers called for were communicated to the Senate at its first and special sessions of the Thirty-second Congress, I have

not supposed that it was the intention of the Senate to have them again sent, and I have therefore not directed them to be copied.

FRANKLIN PIERCE.

WASHINGTON, *July 31, 1854.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 28th instant, requesting information in respect to the bombardment of San Juan de Nicaragua, I transmit reports from the Secretaries of State and of the Navy, with the documents which accompanied them.

FRANKLIN PIERCE.

WASHINGTON, *July 31, 1854.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 28th instant, requesting information in regard to the destruction of San Juan de Nicaragua, I transmit reports from the Secretaries of State and of the Navy, with the documents accompanying them.

FRANKLIN PIERCE.

WASHINGTON, *August 1, 1854.*

To the Senate of the United States:

I hasten to respond briefly to the resolution of the Senate of this date, "requesting the President to inform the Senate, if in his opinion it be not incompatible with the public interest, whether anything has arisen since the date of his message to the House of Representatives of the 15th of March last concerning our relations with the Government of Spain which in his opinion may dispense with the suggestions therein contained touching the propriety of 'provisional measures' by Congress to meet any exigency that may arise in the recess of Congress affecting those relations."

In the message to the House of Representatives referred to I availed myself of the occasion to present the following reflections and suggestions:

In view of the position of the island of Cuba, its proximity to our coast, the relations which it must ever bear to our commercial and other interests, it is vain to expect that a series of unfriendly acts infringing our commercial rights and the adoption of a policy threatening the honor and security of these States can long consist with peaceful relations.

In case the measures taken for amicable adjustment of our difficulties with Spain should, unfortunately, fail, I shall not hesitate to use the authority and means which Congress may grant to insure the observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag.

In anticipation of that contingency, which I earnestly hope may not arise, I suggest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand.

The two Houses of Congress may have anticipated that the hope then expressed would be realized before the period of its adjournment, and that our relations with Spain would have assumed a satisfactory condition, so as to remove past causes of complaint and afford better security for tranquillity and justice in the future. But I am constrained to say that such is not the fact. The formal demand for immediate reparation in the case of the *Black Warrior*, instead of having been met on the part of Spain by prompt satisfaction, has only served to call forth a justification of the local authorities of Cuba, and thus to transfer the responsibility for their acts to the Spanish Government itself.

Meanwhile information, not only reliable in its nature, but of an official character, was received to the effect that preparation was making within the limits of the United States by private individuals under military organization for a descent upon the island of Cuba with a view to wrest that colony from the dominion of Spain. International comity, the obligations of treaties, and the express provisions of law alike required, in my judgment, that all the constitutional power of the Executive should be exerted to prevent the consummation of such a violation of positive law and of that good faith on which mainly the amicable relations of neighboring nations must depend. In conformity with these convictions of public duty, a proclamation was issued to warn all persons not to participate in the contemplated enterprise and to invoke the interposition in this behalf of the proper officers of the Government. No provocation whatever can justify private expeditions of hostility against a country at peace with the United States. The power to declare war is vested by the Constitution in Congress, and the experience of our past history leaves no room to doubt that the wisdom of this arrangement of constitutional power will continue to be verified whenever the national interest and honor shall demand a resort to ultimate measures of redress. Pending negotiations by the Executive, and before the action of Congress, individuals could not be permitted to embarrass the operations of the one and usurp the powers of the other of these depositaries of the functions of Government.

I have only to add that nothing has arisen since the date of my former message to "dispense with the suggestions therein contained touching the propriety of provisional measures by Congress."

FRANKLIN PIERCE.

WASHINGTON, *August 2, 1854.*

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, with the accompanying documents,* in answer to the resolution of the Senate of the 5th ultimo.

FRANKLIN PIERCE.

*Correspondence relative to the imprisonment of George Marsden and to the seizure of the cargo of the American bark *Griffon* by the authorities of Brazil.

WASHINGTON, *August 2, 1854.*

To the House of Representatives:

I herewith transmit to you a copy of a treaty between the United States and Great Britain, negotiated at Washington on the 5th of June last. It has been concurred in by the Senate, and I have no doubt that the ratifications of it will be soon exchanged. It will be observed that by the provision of the fifth article the treaty does not go into operation until after legislation thereon by the respective parties.

Should Congress at its present session pass the requisite law on the part of the United States to give effect to its stipulations, the fishing grounds on the coasts of the British North American Provinces, from which our fishermen have been heretofore excluded, may be opened to them during the present season, and apprehended collisions between them and British fishermen avoided.

For this reason and for the purpose of securing to the citizens of the United States at the earliest practicable period other advantages which it is believed they will derive from this treaty, I recommend the passage by Congress at the present session of such a law as is necessary on the part of the United States to give effect to its provisions.

FRANKLIN PIERCE.

VETO MESSAGES.

WASHINGTON, *May 3, 1854.*

To the Senate of the United States:

The bill entitled "An act making a grant of public lands to the several States for the benefit of indigent insane persons," which was presented to me on the 27th ultimo, has been maturely considered, and is returned to the Senate, the House in which it originated, with a statement of the objections which have required me to withhold from it my approval.

In the performance of this duty, prescribed by the Constitution, I have been compelled to resist the deep sympathies of my own heart in favor of the humane purpose sought to be accomplished and to overcome the reluctance with which I dissent from the conclusions of the two Houses of Congress, and present my own opinions in opposition to the action of a coordinate branch of the Government which possesses so fully my confidence and respect.

If in presenting my objections to this bill I should say more than strictly belongs to the measure or is required for the discharge of my official obligation, let it be attributed to a sincere desire to justify my act before those whose good opinion I so highly value and to that earnestness which springs from my deliberate conviction that a strict adherence

to the terms and purposes of the federal compact offers the best, if not the only, security for the preservation of our blessed inheritance of representative liberty.

The bill provides in substance:

First. That 10,000,000 acres of land be granted to the several States, to be apportioned among them in the compound ratio of the geographical area and representation of said States in the House of Representatives.

Second. That wherever there are public lands in a State subject to sale at the regular price of private entry, the proportion of said 10,000,000 acres falling to such State shall be selected from such lands within it, and that to the States in which there are no such public lands land scrip shall be issued to the amount of their distributive shares, respectively, said scrip not to be entered by said States, but to be sold by them and subject to entry by their assignees: *Provided*, That none of it shall be sold at less than $1 per acre, under penalty of forfeiture of the same to the United States.

Third. That the expenses of the management and superintendence of said lands and of the moneys received therefrom shall be paid by the States to which they may belong out of the treasury of said States.

Fourth. That the gross proceeds of the sales of such lands or land scrip so granted shall be invested by the several States in safe stocks, to constitute a perpetual fund, the principal of which shall remain forever undiminished, and the interest to be appropriated to the maintenance of the indigent insane within the several States.

Fifth. That annual returns of lands or scrip sold shall be made by the States to the Secretary of the Interior, and the whole grant be subject to certain conditions and limitations prescribed in the bill, to be assented to by legislative acts of said States.

This bill therefore proposes that the Federal Government shall make provision to the amount of the value of 10,000,000 acres of land for an eleemosynary object within the several States, to be administered by the political authority of the same; and it presents at the threshold the question whether any such act on the part of the Federal Government is warranted and sanctioned by the Constitution, the provisions and principles of which are to be protected and sustained as a first and paramount duty.

It can not be questioned that if Congress has power to make provision for the indigent insane without the limits of this District it has the same power to provide for the indigent who are not insane, and thus to transfer to the Federal Government the charge of all the poor in all the States. It has the same power to provide hospitals and other local establishments for the care and cure of every species of human infirmity, and thus to assume all that duty of either public philanthropy, or public necessity to the dependent, the orphan, the sick, or the needy which is now discharged by the States themselves or by corporate institutions or

private endowments existing under the legislation of the States. The whole field of public beneficence is thrown open to the care and culture of the Federal Government. Generous impulses no longer encounter the limitations and control of our imperious fundamental law; for however worthy may be the present object in itself, it is only one of a class. It is not exclusively worthy of benevolent regard. Whatever considerations dictate sympathy for this particular object apply in like manner, if not in the same degree, to idiocy, to physical disease, to extreme destitution. If Congress may and ought to provide for any one of these objects, it may and ought to provide for them all. And if it be done in this case, what answer shall be given when Congress shall be called upon, as it doubtless will be, to pursue a similar course of legislation in the others? It will obviously be vain to reply that the object is worthy, but that the application has taken a wrong direction. The power will have been deliberately assumed, the general obligation will by this act have been acknowledged, and the question of means and expediency will alone be left for consideration. The decision upon the principle in any one case determines it for the whole class. The question presented, therefore, clearly is upon the constitutionality and propriety of the Federal Government assuming to enter into a novel and vast field of legislation, namely, that of providing for the care and support of all those among the people of the United States who by any form of calamity become fit objects of public philanthropy.

I readily and, I trust, feelingly acknowledge the duty incumbent on us all as men and citizens, and as among the highest and holiest of our duties, to provide for those who, in the mysterious order of Providence, are subject to want and to disease of body or mind; but I can not find any authority in the Constitution for making the Federal Government the great almoner of public charity throughout the United States. To do so would, in my judgment, be contrary to the letter and spirit of the Constitution and subversive of the whole theory upon which the Union of these States is founded. And if it were admissible to contemplate the exercise of this power for any object whatever, I can not avoid the belief that it would in the end be prejudicial rather than beneficial in the noble offices of charity to have the charge of them transferred from the States to the Federal Government. Are we not too prone to forget that the Federal Union is the creature of the States, not they of the Federal Union? We were the inhabitants of colonies distinct in local government one from the other before the Revolution. By that Revolution the colonies each became an independent State. They achieved that independence and secured its recognition by the agency of a consulting body, which, from being an assembly of the ministers of distinct sovereignties instructed to agree to no form of government which did not leave the domestic concerns of each State to itself, was appropriately denominated a Congress. When, having tried the experiment of the Confederation, they resolved to

change that for the present Federal Union, and thus to confer on the Federal Government more ample authority, they scrupulously measured such of the functions of their cherished sovereignty as they chose to delegate to the General Government. With this aim and to this end the fathers of the Republic framed the Constitution, in and by which the independent and sovereign States united themselves for certain specified objects and purposes, and for those only, leaving all powers not therein set forth as conferred on one or another of the three great departments—the legislative, the executive, and the judicial—indubitably with the States. And when the people of the several States had in their State conventions, and thus alone, given effect and force to the Constitution, not content that any doubt should in future arise as to the scope and character of this act, they ingrafted thereon the explicit declaration that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people." Can it be controverted that the great mass of the business of Government—that involved in the social relations, the internal arrangements of the body politic, the mental and moral culture of men, the development of local resources of wealth, the punishment of crimes in general, the preservation of order, the relief of the needy or otherwise unfortunate members of society—did in practice remain with the States; that none of these objects of local concern are by the Constitution expressly or impliedly prohibited to the States, and that none of them are by any express language of the Constitution transferred to the United States? Can it be claimed that any of these functions of local administration and legislation are vested in the Federal Government by any implication? I have never found anything in the Constitution which is susceptible of such a construction. No one of the enumerated powers touches the subject or has even a remote analogy to it. The powers conferred upon the United States have reference to federal relations, or to the means of accomplishing or executing things of federal relation. So also of the same character are the powers taken away from the States by enumeration. In either case the powers granted and the powers restricted were so granted or so restricted only where it was requisite for the maintenance of peace and harmony between the States or for the purpose of protecting their common interests and defending their common sovereignty against aggression from abroad or insurrection at home.

I shall not discuss at length the question of power sometimes claimed for the General Government under the clause of the eighth section of the Constitution, which gives Congress the power "to lay and collect taxes, duties, imposts, and excises, to pay debts and provide for the common defense and general welfare of the United States," because if it has not already been settled upon sound reason and authority it never will be. I take the received and just construction of that article, as if written to lay and collect taxes, duties, imposts, and excises *in order* to pay the debts and

in order to provide for the common defense and general welfare. It is not a substantive general power to provide for the welfare of the United States, but is a limitation on the grant of power to raise money by taxes, duties, and imposts. If it were otherwise, all the rest of the Constitution, consisting of carefully enumerated and cautiously guarded grants of specific powers, would have been useless, if not delusive. It would be impossible in that view to escape from the conclusion that these were inserted only to mislead for the present, and, instead of enlightening and defining the pathway of the future, to involve its action in the mazes of doubtful construction. Such a conclusion the character of the men who framed that sacred instrument will never permit us to form. Indeed, to suppose it susceptible of any other construction would be to consign all the rights of the States and of the people of the States to the mere discretion of Congress, and thus to clothe the Federal Government with authority to control the sovereign States, by which they would have been dwarfed into provinces or departments and all sovereignty vested in an absolute consolidated central power, against which the spirit of liberty has so often and in so many countries struggled in vain. In my judgment you can not by tributes to humanity make any adequate compensation for the wrong you would inflict by removing the sources of power and political action from those who are to be thereby affected. If the time shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of the States shall bow to the dictation of Congress by conforming their legislation thereto, when the power and majesty and honor of those who created shall become subordinate to the thing of their creation, I but feebly utter my apprehensions when I express my firm conviction that we shall see "the beginning of the end."

Fortunately, we are not left in doubt as to the purpose of the Constitution any more than as to its express language, for although the history of its formation, as recorded in the Madison Papers, shows that the Federal Government in its present form emerged from the conflict of opposing influences which have continued to divide statesmen from that day to this, yet the rule of clearly defined powers and of strict construction presided over the actual conclusion and subsequent adoption of the Constitution. President Madison, in the Federalist, says:

> The powers delegated by the proposed Constitution are few and defined. Those which are to remain in the State governments are numerous and indefinite. * * * Its [the General Government's] jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects.

In the same spirit President Jefferson invokes "the support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies;" and President Jackson said that our true strength and wisdom are not promoted by invasions of the rights and powers of

the several States, but that, on the contrary, they consist "not in binding the States more closely to the center, but in leaving each more unobstructed in its proper orbit."

The framers of the Constitution, in refusing to confer on the Federal Government any jurisdiction over these purely local objects, in my judgment manifested a wise forecast and broad comprehension of the true interests of these objects themselves. It is clear that public charities within the States can be efficiently administered only by their authority. The bill before me concedes this, for it does not commit the funds it provides to the administration of any other authority.

I can not but repeat what I have before expressed, that if the several States, many of which have already laid the foundation of munificent establishments of local beneficence, and nearly all of which are proceeding to establish them, shall be led to suppose, as, should this bill become a law, they will be, that Congress is to make provision for such objects, the fountains of charity will be dried up at home, and the several States, instead of bestowing their own means on the social wants of their own people, may themselves, through the strong temptation which appeals to states as to individuals, become humble suppliants for the bounty of the Federal Government, reversing their true relations to this Union.

Having stated my views of the limitation of the powers conferred by the eighth section of the first article of the Constitution, I deem it proper to call attention to the third section of the fourth article and to the provisions of the sixth article bearing directly upon the question under consideration, which, instead of aiding the claim to power exercised in this case, tend, it is believed, strongly to illustrate and explain positions which, even without such support, I can not regard as questionable. The third section of the fourth article of the Constitution is in the following terms:

> The Congress shall have power to *dispose* of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

The sixth article is as follows, to wit, that—

> All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

For a correct understanding of the terms used in the third section of the fourth article, above quoted, reference should be had to the history of the times in which the Constitution was formed and adopted. It was decided upon in convention on the 17th September, 1787, and by it Congress was empowered "to dispose of," etc., "the territory or other property belonging to the United States." The only territory then belonging to the United States was that then recently ceded by the several States, to wit: By New York in 1781, by Virginia in 1784, by

Massachusetts in 1785, and by South Carolina in August, 1787, only the month before the formation of the Constitution. The cession from Virginia contained the following provision:

> That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes or disposed of in bounties to the officers and soldiers of the American Army, shall be considered a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal Alliance of the said States, Virginia included, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide disposed of* for that purpose and for no other use or purpose whatsoever.

Here the object for which these lands are to be disposed of is clearly set forth, and the power to dispose of them granted by the third section of the fourth article of the Constitution clearly contemplates such disposition only. If such be the fact, and in my mind there can be no doubt of it, then you have again not only no implication in favor of the contemplated grant, but the strongest authority against it. Furthermore, this bill is in violation of the faith of the Government pledged in the act of January 28, 1847. The nineteenth section of that act declares:

> That for the payment of the stock which may be created under the provisions of this act the sales of the public lands are hereby pledged; and it is hereby made the duty of the Secretary of the Treasury to use and apply all moneys which may be received into the Treasury for the sales of the public lands after the 1st day of January, 1848, first, to pay the interest on all stocks issued by virtue of this act, and, secondly, to use the balance of said receipts, after paying the interest aforesaid, in the purchase of said stocks at their market value, etc.

The debts then contracted have not been liquidated, and the language of this section and the obligations of the United States under it are too plain to need comment.

I have been unable to discover any distinction on constitutional grounds or grounds of expediency between an appropriation of $10,000,000 directly from the money in the Treasury for the object contemplated and the appropriation of lands presented for my sanction, and yet I can not doubt that if the bill proposed $10,000,000 from the Treasury of the United States for the support of the indigent insane in the several States that the constitutional question involved in the act would have attracted forcibly the attention of Congress.

I respectfully submit that in a constitutional point of view it is wholly immaterial whether the appropriation be in money or in land.

The public domain is the common property of the Union just as much as the surplus proceeds of that and or duties on imports remaining unexpended in the Treasury. As such it has been pledged, is now pledged, and may need to be so pledged again for public indebtedness.

As property it is distinguished from actual money chiefly in this respect, that its profitable management sometimes requires that portions of it be appropriated to local objects in the States wherein it may happen to

lie, as would be done by any prudent proprietor to enhance the sale value of his private domain. All such grants of land are in fact a disposal of it for value received, but they afford no precedent or constitutional reason for giving away the public lands. Still less do they give sanction to appropriations for objects which have not been intrusted to the Federal Government, and therefore belong exclusively to the States.

To assume that the public lands are applicable to ordinary State objects, whether of public structures, police, charity, or expenses of State administration, would be to disregard to the amount of the value of the public lands all the limitations of the Constitution and confound to that extent all distinctions between the rights and powers of the States and those of the United States; for if the public lands may be applied to the support of the poor, whether sane or insane, if the disposal of them and their proceeds be not subject to the ordinary limitations of the Constitution, then Congress possesses unqualified power to provide for expenditures in the States by means of the public lands, even to the degree of defraying the salaries of governors, judges, and all other expenses of the government and internal administration within the several States.

The conclusion from the general survey of the whole subject is to my mind irresistible, and closes the question both of right and of expediency so far as regards the principle of the appropriation proposed in this bill. Would not the admission of such power in Congress to dispose of the public domain work the practical abrogation of some of the most important provisions of the Constitution?

If the systematic reservation of a definite portion of the public lands (the sixteenth sections) in the States for the purposes of education and occasional grants for similar purposes be cited as contradicting these conclusions, the answer as it appears to me is obvious and satisfactory. Such reservations and grants, besides being a part of the conditions on which the proprietary right of the United States is maintained, along with the eminent domain of a particular State, and by which the public land remains free from taxation in the State in which it lies as long as it remains the property of the United States, are the acts of a mere landowner disposing of a small share of his property in a way to augment the value of the residue and in this mode to encourage the early occupation of it by the industrious and intelligent pioneer.

The great example of apparent donation of lands to the States likely to be relied upon as sustaining the principles of this bill is the relinquishment of swamp lands to the States in which they are situated, but this also, like other grants already referred to, was based expressly upon grounds clearly distinguishable in principle from any which can be assumed for the bill herewith returned, viz, upon the interest and duty of the proprietor. They were charged, and not without reason, to be a nuisance to the inhabitants of the surrounding country. The measure was predicated not only upon the ground of the disease inflicted upon the

people of the States, which the United States could not justify as a just and honest proprietor, but also upon an express limitation of the application of the proceeds in the first instance to purposes of levees and drains, thus protecting the health of the inhabitants and at the same time enhancing the value of the remaining lands belonging to the General Government.

It is not to be denied that Congress, while administering the public lands as a proprietor within the principle distinctly announced in my annual message, may sometimes have failed to distinguish accurately between objects which are and which are not within its constitutional powers.

After the most careful examination I find but two examples in the acts of Congress which furnish any precedent for the present bill, and those examples will, in my opinion, serve rather as a warning than as an inducement to tread in the same path.

The first is the act of March 3, 1819, granting a township of land to the Connecticut asylum for the education of the deaf and dumb; the second, that of April 5, 1826, making a similar grant of land to the Kentucky asylum for teaching the deaf and dumb—the first more than thirty years after the adoption of the Constitution and the second more than a quarter of a century ago. These acts were unimportant as to the amount appropriated, and so far as I can ascertain were passed on two grounds: First, that the object was a charitable one, and, secondly, that it was national. To say that it was a charitable object is only to say that it was an object of expenditure proper for the competent authority; but it no more tended to show that it was a proper object of expenditure by the United States than is any other purely local object appealing to the best sympathies of the human heart in any of the States. And the suggestion that a school for the mental culture of the deaf and dumb in Connecticut or Kentucky is a national object only shows how loosely this expression has been used when the purpose was to procure appropriations by Congress. It is not perceived how a school of this character is otherwise national than is any establishment of religious or moral instruction. All the pursuits of industry, everything which promotes the material or intellectual well-being of the race, every ear of corn or boll of cotton which grows, is national in the same sense, for each one of these things goes to swell the aggregate of national prosperity and happiness of the United States; but it confounds all meaning of language to say that these things are "national," as equivalent to "Federal," so as to come within any of the classes of appropriation for which Congress is authorized by the Constitution to legislate.

It is a marked point of the history of the Constitution that when it was proposed to empower Congress to establish a university the proposition was confined to the District intended for the future seat of Government of the United States, and that even that proposed clause was omitted in consideration of the exclusive powers conferred on Congress

to legislate for that District. Could a more decisive indication of the true construction and the spirit of the Constitution in regard to all matters of this nature have been given? It proves that such objects were considered by the Convention as appertaining to local legislation only; that they were not comprehended, either expressly or by implication, in the grant of general power to Congress, and that consequently they remained with the several States.

The general result at which I have arrived is the necessary consequence of those views of the relative rights, powers, and duties of the States and of the Federal Government which I have long entertained and often expressed and in reference to which my convictions do but increase in force with time and experience.

I have thus discharged the unwelcome duty of respectfully stating my objections to this bill, with which I cheerfully submit the whole subject to the wisdom of Congress.

FRANKLIN PIERCE.

WASHINGTON, *August 4, 1854.*

To the House of Representatives:

I have received the bill entitled "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law." It reaches me in the expiring hours of the session, and time does not allow full opportunity for examining and considering its provisions or of stating at length the reasons which forbid me to give it my signature.

It belongs to that class of measures which are commonly known as internal improvements by the General Government, and which from a very early period have been deemed of doubtful constitutionality and expediency, and have thus failed to obtain the approbation of successive Chief Magistrates.

On such an examination of this bill as it has been in my power to make, I recognize in it certain provisions national in their character, and which, if they stood alone, it would be compatible with my convictions of public duty to assent to; but at the same time, it embraces others which are merely local, and not, in my judgment, warranted by any safe or true construction of the Constitution.

To make proper and sound discriminations between these different provisions would require a deliberate discussion of general principles, as well as a careful scrutiny of details for the purpose of rightfully applying those principles to each separate item of appropriation.

Public opinion with regard to the value and importance of internal improvements in the country is undivided. There is a disposition on all hands to have them prosecuted with energy and to see the benefits sought to be attained by them fully realized.

The prominent point of difference between those who have been regarded as the friends of a system of internal improvements by the General Government and those adverse to such a system has been one of constitutional power, though more or less connected with considerations of expediency.

My own judgment, it is well known, has on both grounds been opposed to "a general system of internal improvements" by the Federal Government. I have entertained the most serious doubts from the inherent difficulties of its application, as well as from past unsatisfactory experience, whether the power could be so exercised by the General Government as to render its use advantageous either to the country at large or effectual for the accomplishment of the object contemplated.

I shall consider it incumbent on me to present to Congress at its next session a matured view of the whole subject, and to endeavor to define, approximately at least, and according to my own convictions, what appropriations of this nature by the General Government the great interests of the United States require and the Constitution will admit and sanction, in case no substitute should be devised capable of reconciling differences both of constitutionality and expediency.

In the absence of the requisite means and time for duly considering the whole subject at present and discussing such possible substitute, it becomes necessary to return this bill to the House of Representatives, in which it originated, and for the reasons thus briefly submitted to the consideration of Congress to withhold from it my approval.

FRANKLIN PIERCE.

[The following message is inserted here because it is an exposition of the reasons of the President for the veto of August 4, 1854, immediately preceding.]

WASHINGTON, *December 30, 1854.*

To the Senate and House of Representatives:

In returning to the House of Representatives, in which it originated, a bill entitled "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law," it became necessary for me, owing to the late day at which the bill was passed, to state my objections to it very briefly, announcing at the same time a purpose to resume the subject for more deliberate discussion at the present session of Congress; for, while by no means insensible of the arduousness of the task thus undertaken by me, I conceived that the two Houses were entitled to an exposition of the considerations which had induced dissent on my part from their conclusions in this instance.

The great constitutional question of the power of the General Government in relation to internal improvements has been the subject of earnest difference of opinion at every period of the history of the United States.

Annual and special messages of successive Presidents have been occupied with it, sometimes in remarks on the general topic and frequently in objection to particular bills. The conflicting sentiments of eminent statesmen, expressed in Congress or in conventions called expressly to devise, if possible, some plan calculated to relieve the subject of the embarrassments with which it is environed, while they have directed public attention strongly to the magnitude of the interests involved, have yet left unsettled the limits, not merely of expediency, but of constitutional power, in relation to works of this class by the General Government.

What is intended by the phrase "internal improvements"? What does it embrace and what exclude? No such language is found in the Constitution. Not only is it not an expression of ascertainable constitutional power, but it has no sufficient exactness of meaning to be of any value as the basis of a safe conclusion either of constitutional law or of practical statesmanship.

President John Quincy Adams, in claiming on one occasion, after his retirement from office, the authorship of the idea of introducing into the administration of the affairs of the General Government "a permanent and regular system" of internal improvements, speaks of it as a system by which "the whole Union would have been checkered over with railroads and canals," affording "high wages and constant employment to hundreds of thousands of laborers;" and he places it in express contrast with the construction of such works by the legislation of the States and by private enterprise.

It is quite obvious that if there be any constitutional power which authorizes the construction of "railroads and canals" by Congress, the same power must comprehend turnpikes and ordinary carriage roads; nay, it must extend to the construction of bridges, to the draining of marshes, to the erection of levees, to the construction of canals of irrigation; in a word, to all the possible means of the material improvement of the earth, by developing its natural resources anywhere and everywhere, even within the proper jurisdiction of the several States. But if there be any constitutional power thus comprehensive in its nature, must not the same power embrace within its scope other kinds of improvement of equal utility in themselves and equally important to the welfare of the whole country? President Jefferson, while intimating the expediency of so amending the Constitution as to comprise objects of physical progress and well-being, does not fail to perceive that "other objects of public improvement," including "public education" by name, belong to the same class of powers. In fact, not only public instruction, but hospitals, establishments of science and art, libraries, and, indeed, everything appertaining to the internal welfare of the country, are just as much objects of internal improvement, or, in other words, of internal utility, as canals and railways.

The admission of the power in either of its senses implies its existence

SCENES TYPICAL OF OUR NORTHERNMOST TERRITORY, ALASKA

PURCHASE OF ALASKA.

Official communications passed between the United States and Russia concerning the purchase of Alaska, or, as it was then called, Russian America, as early as 1859. Russia was desirous of parting with the territory, and the fishing and trading interests favored the change of sovereignty. It was not until 1867, however, that definite steps were taken toward the transfer. In March of that year the Russian minister at Washington reopened negotiations, and on the 23rd of that month Secretary Seward made an offer of $7,200,000 for the peninsula. A week later the minister communicated the Tsar's acceptance, and at four o'clock on the morning of the 30th the treaty was signed. It was later ratified by the Senate, and on October 18th following, the formal transfer was made at Sitka, General Rousseau taking possession for the United States.

A full description of Alaska, followed by references to Presidential discussion of its problems, will be found in the Encyclopedic Index.

in the other; and since if it exists at all it involves dangerous augmentation of the political functions and of the patronage of the Federal Government, we ought to see clearly by what clause or clauses of the Constitution it is conferred.

I have had occasion more than once to express, and deem it proper now to repeat, that it is, in my judgment, to be taken for granted, as a fundamental proposition not requiring elucidation, that the Federal Government is the creature of the individual States and of the people of the States severally; that the sovereign power was in them alone; that all the powers of the Federal Government are derivative ones, the enumeration and limitations of which are contained in the instrument which organized it; and by express terms "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people."

Starting from this foundation of our constitutional faith and proceeding to inquire in what part of the Constitution the power of making appropriations for internal improvements is found, it is necessary to reject all idea of there being any grant of power in the preamble. When that instrument says, "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," it only declares the inducements and the anticipated results of the things ordained and established by it. To assume that anything more can be designed by the language of the preamble would be to convert all the body of the Constitution, with its carefully weighed enumerations and limitations, into mere surplusage. The same may be said of the phrase in the grant of the power to Congress "to pay the debts and provide for the common defense and general welfare of the United States;" or, to construe the words more exactly, they are not significant of grant or concession, but of restriction of the specific grants, having the effect of saying that in laying and collecting taxes for each of the precise objects of power granted to the General Government Congress must exercise any such definite and undoubted power in strict subordination to the purpose of the common defense and general welfare of all the States.

There being no specific grant in the Constitution of a power to sanction appropriations for internal improvements, and no general provision broad enough to cover any such indefinite object, it becomes necessary to look for particular powers to which one or another of the things included in the phrase "internal improvements" may be referred.

In the discussions of this question by the advocates of the organization of a "general system of internal improvements" under the auspices of the Federal Government, reliance is had for the justification of the measure on several of the powers expressly granted to Congress, such as to establish post-offices and post-roads, to declare war, to provide and maintain

a navy, to raise and support armies, to regulate commerce, and to dispose of the territory and other public property of the United States.

As to the last of these sources of power, that of disposing of the territory and other public property of the United States, it may be conceded that it authorizes Congress, in the management of the public property, to make improvements essential to the successful execution of the trust; but this must be the primary object of any such improvement, and it would be an abuse of the trust to sacrifice the interest of the property to incidental purposes.

As to the other assumed sources of a general power over internal improvements, they being specific powers of which this is supposed to be the incident, if the framers of the Constitution, wise and thoughtful men as they were, intended to confer on Congress the power over a subject so wide as the whole field of internal improvements, it is remarkable that they did not use language clearly to express it, or, in other words, that they did not give it as a distinct and substantive power instead of making it the implied incident of some other one; for such is the magnitude of the supposed incidental power and its capacity of expansion that any system established under it would exceed each of the others in the amount of expenditure and number of the persons employed, which would thus be thrown upon the General Government.

This position may be illustrated by taking as a single example one of the many things comprehended clearly in the idea of "a general system of internal improvements," namely, roads. Let it be supposed that the power to construct roads over the whole Union, according to the suggestion of President J. Q. Adams in 1807, whilst a member of the Senate of the United States, had been conceded. Congress would have begun, in pursuance of the state of knowledge at the time, by constructing turnpikes; then, as knowledge advanced, it would have constructed canals, and at the present time it would have been embarked in an almost limitless scheme of railroads.

Now there are in the United States, the results of State or private enterprise, upward of 17,000 miles of railroads and 5,000 miles of canals; in all, 22,000 miles, the total cost of which may be estimated at little short of $600,000,000; and if the same works had been constructed by the Federal Government, supposing the thing to have been practicable, the cost would have probably been not less than $900,000,000. The number of persons employed in superintending, managing, and keeping up these canals and railroads may be stated at 126,000 or thereabouts, to which are to be added 70,000 or 80,000 employed on the railroads in construction, making a total of at least 200,000 persons, representing in families nearly 1,000,000 souls, employed on or maintained by this one class of public works in the United States.

In view of all this, it is not easy to estimate the disastrous consequences which must have resulted from such extended local improve-

ments being undertaken by the General Government. State legislation upon this subject would have been suspended and private enterprise paralyzed, while applications for appropriations would have perverted the legislation of Congress, exhausted the National Treasury, and left the people burdened with a heavy public debt, beyond the capacity of generations to discharge.

Is it conceivable that the framers of the Constitution intended that authority drawing after it such immense consequences should be inferred by implication as the incident of enumerated powers? I can not think this, and the impossibility of supposing it would be still more glaring if similar calculations were carried out in regard to the numerous objects of material, moral, and political usefulness of which the idea of internal improvement admits. It may be safely inferred that if the framers of the Constitution had intended to confer the power to make appropriations for the objects indicated, it would have been enumerated among the grants expressly made to Congress. When, therefore, any one of the powers actually enumerated is adduced or referred to as the ground of an assumption to warrant the incidental or implied power of "internal improvement," that hypothesis must be rejected, or at least can be no further admitted than as the particular act of internal improvement may happen to be necessary to the exercise of the granted power. Thus, when the object of a given road, the clearing of a particular channel, or the construction of a particular harbor of refuge is manifestly required by the exigencies of the naval or military service of the country, then it seems to me undeniable that it may be constitutionally comprehended in the powers to declare war, to provide and maintain a navy, and to raise and support armies. At the same time, it would be a misuse of these powers and a violation of the Constitution to undertake to build upon them a great system of internal improvements. And similar reasoning applies to the assumption of any such power as is involved in that to establish post-roads and to regulate commerce. If the particular improvement, whether by land or sea, be necessary to the execution of the enumerated powers, then, but not otherwise, it falls within the jurisdiction of Congress. To this extent only can the power be claimed as the incident of any express grant to the Federal Government.

But there is one clause of the Constitution in which it has been suggested that express authority to construct works of internal improvement has been conferred on Congress, namely, that which empowers it "to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and *other needful buildings*." But any such supposition will be seen to be groundless

when this provision is carefully examined and compared with other parts of the Constitution.

It is undoubtedly true that "like authority" refers back to "exclusive legislation in all cases whatsoever" as applied to the District of Columbia, and there is in the District no division of powers as between the General and the State Governments.

In those places which the United States has purchased or retains within any of the States—sites for dockyards or forts, for example—legal process of the given State is still permitted to run for some purposes, and therefore the jurisdiction of the United States is not absolutely perfect. But let us assume for the argument's sake that the jurisdiction of the United States in a tract of land ceded to it for the purpose of a dockyard or fort by Virginia or Maryland is as complete as in that ceded by them for the seat of Government, and then proceed to analyze this clause of the Constitution.

It provides that Congress shall have certain legislative authority over all places purchased by the United States for certain purposes. It implies that Congress has otherwise the power to purchase. But where does Congress get the power to purchase? Manifestly it must be from some other clause of the Constitution, for it is not conferred by this one. Now, as it is a fundamental principle that the Constitution is one of limited powers, the authority to purchase must be conferred in one of the enumerations of legislative power; so that the power to purchase is itself not an unlimited one, but is limited by the objects in regard to which legislative authority is directly conferred.

The other expressions of the clause in question confirm this conclusion, since the jurisdiction is given as to places purchased for certain enumerated objects or purposes. Of these the first great division—forts, magazines, arsenals, and dockyards—is obviously referable to recognized heads of specific constitutional power. There remains only the phrase "and other *needful* buildings." Wherefore needful? Needful for any possible purpose within the whole range of the business of society and of Government? Clearly not; but only such "buildings" as are "needful" to the United States in the exercise of any of the powers conferred on Congress.

Thus the United States need, in the exercise of admitted powers, not only forts, magazines, arsenals, and dockyards, but also court-houses, prisons, custom-houses, and post-offices within the respective States. Places for the erection of such buildings the General Government may constitutionally purchase, and, having purchased them, the jurisdiction over them belongs to the United States. So if the General Government has the power to build a light-house or a beacon, it may purchase a place for that object; and having purchased it, then this clause of the Constitution gives jurisdiction over it. Still, the power to purchase for the purpose of erecting a light-house or beacon must depend on the existence of

the power to erect, and if that power exists it must be sought after in some other clause of the Constitution.

From whatever point of view, therefore, the subject is regarded, whether as a question of express or implied power, the conclusion is the same, that Congress has no constitutional authority to carry on a system of internal improvements; and in this conviction the system has been steadily opposed by the soundest expositors of the functions of the Government.

It is not to be supposed that in no conceivable case shall there be doubt as to whether a given object be or not a necessary incident of the military, naval, or any other power. As man is imperfect, so are his methods of uttering his thoughts. Human language, save in expressions for the exact sciences, must always fail to preclude all possibility of controversy. Hence it is that in one branch of the subject—the question of the power of Congress to make appropriations in aid of navigation—there is less of positive conviction than in regard to the general subject; and it therefore seems proper in this respect to revert to the history of the practice of the Government.

Among the very earliest acts of the first session of Congress was that for the establishment and support of light-houses, approved by President Washington on the 7th of August, 1789, which contains the following provisions:

> That all expenses which shall accrue from and after the 15th day of August, 1789, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers erected, placed, or sunk before the passing of this act at the entrance of or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the Treasury of the United States: *Provided, nevertheless*, That none of the said expenses shall continue to be so defrayed after the expiration of one year from the day aforesaid unless such light-houses, beacons, buoys, and public piers shall in the meantime be ceded to and vested in the United States by the State or States, respectively, in which the same may be, together with the lands and tenements thereunto belonging and together with the jurisdiction of the same.

Acts containing appropriations for this class of public works were passed in 1791, 1792, 1793, and so on from year to year down to the present time; and the tenor of these acts, when examined with reference to other parts of the subject, is worthy of special consideration.

It is a remarkable fact that for a period of more than thirty years after the adoption of the Constitution all appropriations of this class were confined, with scarcely an apparent exception, to the construction of light-houses, beacons, buoys, and public piers and the stakage of channels; to render navigation "safe and easy," it is true, but only by indicating to the navigator obstacles in his way, not by removing those obstacles nor in any other respect changing, artificially, the preexisting natural condition of the earth and sea. It is obvious, however, that works of art for the removal of natural impediments to navigation, or

to prevent their formation, or for supplying harbors where these do not exist, are also means of rendering navigation safe and easy, and may in supposable cases be the most efficient, as well as the most economical, of such means. Nevertheless, it is not until the year 1824 that in an act to improve the navigation of the rivers Ohio and Mississippi and in another act making appropriations for deepening the channel leading into the harbor of Presque Isle, on Lake Erie, and for repairing Plymouth Beach, in Massachusetts Bay, we have any example of an appropriation for the improvement of harbors in the nature of those provided for in the bill returned by me to the House of Representatives.

It appears not probable that the abstinence of Congress in this respect is attributable altogether to considerations of economy or to any failure to perceive that the removal of an obstacle to navigation might be not less useful than the indication of it for avoidance, and it may be well assumed that the course of legislation so long pursued was induced, in whole or in part, by solicitous consideration in regard to the constitutional power over such matters vested in Congress.

One other peculiarity in this course of legislation is not less remarkable. It is that when the General Government first took charge of light-houses and beacons it required the works themselves and the lands on which they were situated to be ceded to the United States. And although for a time this precaution was neglected in the case of new works, in the sequel it was provided by general laws that no light-house should be constructed on any site previous to the jurisdiction over the same being ceded to the United States.

Constitutional authority for the construction and support of many of the public works of this nature, it is certain, may be found in the power of Congress to maintain a navy and provide for the general defense; but their number, and in many instances their location, preclude the idea of their being fully justified as necessary and proper incidents of that power. And they do not seem susceptible of being referred to any other of the specific powers vested in Congress by the Constitution, unless it be that to raise revenue in so far as this relates to navigation. The practice under all my predecessors in office, the express admissions of some of them, and absence of denial by any sufficiently manifest their belief that the power to erect light-houses, beacons, and piers is possessed by the General Government. In the acts of Congress, as we have already seen, the inducement and object of the appropriations are expressly declared, those appropriations being for "light-houses, beacons, buoys, and public piers" erected or placed "within any bay, inlet, harbor, or port of the United States for rendering the navigation thereof easy and safe."

If it be contended that this review of the history of appropriations of this class leads to the inference that, beyond the purposes of national defense and maintenance of a navy, there is authority in the Constitution to construct certain works in aid of navigation, it is at the same time to

be remembered that the conclusions thus deduced from cotemporaneous construction and long-continued acquiescence are themselves directly suggestive of limitations of constitutionality, as well as expediency, regarding the nature and the description of those aids to navigation which Congress may provide as incident to the revenue power; for at this point controversy begins, not so much as to the principle as to its application.

In accordance with long-established legislative usage, Congress may construct light-houses and beacons and provide, as it does, other means to prevent shipwrecks on the coasts of the United States. But the General Government can not go beyond this and make improvements of rivers and harbors of the nature and to the degree of all the provisions of the bill of the last session of Congress.

To justify such extended power, it has been urged that if it be constitutional to appropriate money for the purpose of pointing out, by the construction of light-houses or beacons, where an obstacle to navigation exists, it is equally so to remove such obstacle or to avoid it by the creation of an artificial channel; that if the object be lawful, then the means adopted solely with reference to the end must be lawful, and that therefore it is not material, constitutionally speaking, whether a given obstruction to navigation be indicated for avoidance or be actually avoided by excavating a new channel; that if it be a legitimate object of expenditure to preserve a ship from wreck by means of a beacon or of revenue cutters, it must be not less so to provide places of safety by the improvement of harbors, or, where none exist, by their artificial construction; and thence the argument naturally passes to the propriety of improving rivers for the benefit of internal navigation, because all these objects are of more or less importance to the commercial as well as the naval interests of the United States.

The answer to all this is that the question of opening speedy and easy communication to and through all parts of the country is substantially the same, whether done by land or water; that the uses of roads and canals in facilitating commercial intercourse and uniting by community of interests the most remote quarters of the country by land communication are the same in their nature as the uses of navigable waters; and that therefore the question of the facilities and aids to be provided to navigation, by whatsoever means, is but a subdivision of the great question of the constitutionality and expediency of internal improvements by the General Government. In confirmation of this it is to be remarked that one of the most important acts of appropriation of this class, that of the year 1833, under the Administration of President Jackson, by including together and providing for in one bill as well river and harbor works as road works, impliedly recognizes the fact that they are alike branches of the same great subject of internal improvements.

As the population, territory, and wealth of the country increased and settlements extended into remote regions, the necessity for additional

means of communication impressed itself upon all minds with a force which had not been experienced at the date of the formation of the Constitution, and more and more embarrassed those who were most anxious to abstain scrupulously from any exercise of doubtful power. Hence the recognition in the messages of Presidents Jefferson, Madison, and Monroe of the eminent desirableness of such works, with admission that some of them could lawfully and should be conducted by the General Government, but with obvious uncertainty of opinion as to the line between such as are constitutional and such as are not, such as ought to receive appropriations from Congress and such as ought to be consigned to private enterprise or the legislation of the several States.

This uncertainty has not been removed by the practical working of our institutions in later times; for although the acquisition of additional territory and the application of steam to the propulsion of vessels have greatly magnified the importance of internal commerce, this fact has at the same time complicated the question of the power of the General Government over the present subject.

In fine, a careful review of the opinions of all my predecessors and of the legislative history of the country does not indicate any fixed rule by which to decide what, of the infinite variety of possible river and harbor improvements, are within the scope of the power delegated by the Constitution; and the question still remains unsettled. President Jackson conceded the constitutionality, under suitable circumstances, of the improvement of rivers and harbors through the agency of Congress, and President Polk admitted the propriety of the establishment and support by appropriations from the Treasury of light-houses, beacons, buoys, and other improvements within the bays, inlets, and harbors of the ocean and lake coasts immediately connected with foreign commerce.

But if the distinction thus made rests upon the differences between foreign and domestic commerce it can not be restricted thereby to the bays, inlets, and harbors of the oceans and lakes, because foreign commerce has already penetrated thousands of miles into the interior of the continent by means of our great rivers, and will continue so to extend itself with the progress of settlement until it reaches the limit of navigability.

At the time of the adoption of the Constitution the vast Valley of the Mississippi, now teeming with population and supplying almost boundless resources, was literally an unexplored wilderness. Our advancement has outstripped even the most sanguine anticipations of the fathers of the Republic, and it illustrates the fact that no rule is admissible which undertakes to discriminate, so far as regards river and harbor improvements, between the Atlantic or Pacific coasts and the great lakes and rivers of the interior regions of North America. Indeed, it is quite erroneous to suppose that any such discrimination has ever existed in the practice of the Government. To the contrary of which is the significant fact, before

stated, that when, after abstaining from all such appropriations for more than thirty years, Congress entered upon the policy of improving the navigation of rivers and harbors, it commenced with the rivers Mississippi and Ohio.

The Congress of the Union, adopting in this respect one of the ideas of that of the Confederation, has taken heed to declare from time to time, as occasion required, either in acts for disposing of the public lands in the Territories or in acts for admitting new States, that all navigable rivers within the same "shall be deemed to be and remain public highways."

Out of this condition of things arose a question which at successive periods of our public annals has occupied the attention of the best minds in the Union. This question is, What waters are public navigable waters, so as not to be of State character and jurisdiction, but of Federal jurisdiction and character, in the intent of the Constitution and of Congress? A proximate, but imperfect, answer to this important question is furnished by the acts of Congress and the decisions of the Supreme Court of the United States defining the constitutional limits of the maritime jurisdiction of the General Government. That jurisdiction is entirely independent of the revenue power. It is not derived from that, nor is it measured thereby.

In that act of Congress which, in the first year of the Government, organized our judicial system, and which, whether we look to the subject, the comprehensive wisdom with which it was treated, or the deference with which its provisions have come to be regarded, is only second to the Constitution itself, there is a section in which the statesmen who framed the Constitution have placed on record their construction of it in this matter. It enacts that the district courts of the United States "shall have exclusive cognizance of all civil cases of admiralty and maritime jurisdiction, including all seizures under the law of impost, navigation, or trade of the United States, when the seizures are made on waters which are navigable from the sea by vessels of 10 or more tons burden, within their respective districts, as well as upon the high seas." In this cotemporaneous exposition of the Constitution there is no trace or suggestion that nationality of jurisdiction is limited to the sea, or even to tide waters. The law is marked by a sagacious apprehension of the fact that the Great Lakes and the Mississippi were navigable waters of the United States even then, before the acquisition of Louisiana had made wholly our own the territorial greatness of the West. It repudiates unequivocally the rule of the common law, according to which the question of whether a water is public navigable water or not depends on whether it is salt or not, and therefore, in a river, confines that quality to tide water—a rule resulting from the geographical condition of England and applicable to an island with small and narrow streams, the only navigable portion of which, for ships, is in immediate contact with the ocean, but wholly inapplicable to the great inland fresh-water seas of America

and its mighty rivers, with secondary branches exceeding in magnitude the largest rivers of Great Britain.

At a later period it is true that, in disregard of the more comprehensive definition of navigability afforded by that act of Congress, it was for a time held by many that the rule established for England was to be received in the United States, the effect of which was to exclude from the jurisdiction of the General Government not only the waters of the Mississippi, but also those of the Great Lakes. To this construction it was with truth objected that, in so far as concerns the lakes, they are in fact seas, although of fresh water; that they are the natural marine communications between a series of populous States and between them and the possessions of a foreign nation; that they are actually navigated by ships of commerce of the largest capacity; that they had once been and might again be the scene of foreign war; and that therefore it was doing violence to all reason to undertake by means of an arbitrary doctrine of technical foreign law to exclude such waters from the jurisdiction of the General Government. In regard to the river Mississippi, it was objected that to draw a line across that river at the point of ebb and flood of tide, and say that the part below was public navigable water and the part above not, while in the latter the water was at least equally deep and navigable and its commerce as rich as in the former, with numerous ports of foreign entry and delivery, was to sanction a distinction artificial and unjust, because regardless of the real fact of navigability.

We may conceive that some such considerations led to the enactment in the year 1845 of an act in addition to that of 1789, declaring that—

> The district courts of the United States shall have, possess, and exercise the same jurisdiction in matters of contract and tort arising in, upon, or concerning steamboats and other vessels of 20 tons burden and upward, enrolled and licensed for the coasting trade and at the time employed in business of commerce and navigation between ports and places in different States and Territories upon the lakes and navigable waters connecting said lakes, as is now possessed and exercised by the said courts in cases of the like steamboats and other vessels employed in navigation and commerce upon the high seas or tide waters within the admiralty and maritime jurisdiction of the United States.

It is observable that the act of 1789 applies the jurisdiction of the United States to all "waters which are navigable from the sea" for vessels of 10 tons burden, and that of 1845 extends the jurisdiction to enrolled vessels of 20 tons burden, on the lakes and navigable waters connecting said lakes, though not waters navigable from the sea, provided such vessels be employed between places in different States and Territories.

Thus it appears that these provisions of law in effect prescribe conditions by which to determine whether any waters are public navigable waters, subject to the authority of the Federal Government. The conditions include all waters, whether salt or fresh, and whether of sea, lake, or river, provided they be capable of navigation by vessels of a

certain tonnage, and for commerce either between the United States and foreign countries or between any two or more of the States or Territories of the Union. This excludes water wholly within any particular State, and not used as the means of commercial communication with any other State, and subject to be improved or obstructed at will by the State within which it may happen to be.

The constitutionality of these provisions of statute has been called in question. Their constitutionality has been maintained, however, by repeated decisions of the Supreme Court of the United States, and they are therefore the law of the land by the concurrent act of the legislative, the executive, and the judicial departments of the Government. Regarded as affording a criterion of what is navigable water, and as such subject to the maritime jurisdiction of the Supreme Court and of Congress, these acts are objectionable in this, that the rule of navigability is an arbitrary one, that Congress may repeal the present rule and adopt a new one, and that thus a legislative definition will be able to restrict or enlarge the limits of constitutional power. Yet this variableness of standard seems inherent in the nature of things. At any rate, neither the First Congress, composed of the statesmen of the era when the Constitution was adopted, nor any subsequent Congress has afforded us the means of attaining greater precision of construction as to this part of the Constitution.

This reflection may serve to relieve from undeserved reproach an idea of one of the greatest men of the Republic—President Jackson. He, seeking amid all the difficulties of the subject for some practical rule of action in regard to appropriations for the improvement of rivers and harbors, prescribed for his own official conduct the rule of confining such appropriations to "places below the ports of entry or delivery established by law." He saw clearly, as the authors of the above-mentioned acts of 1789 and 1845 did, that there is no inflexible natural line of discrimination between what is national and what local by means of which to determine absolutely and unerringly at what point on a river the jurisdiction of the United States shall end. He perceived, and of course admitted, that the Constitution, while conferring on the General Government some power of action to render navigation safe and easy, had of necessity left to Congress much of discretion in this matter. He confided in the patriotism of Congress to exercise that discretion wisely, not permitting himself to suppose it possible that a port of entry or delivery would ever be established by law for the express and only purpose of evading the Constitution.

It remains, therefore, to consider the question of the measure of discretion in the exercise by Congress of the power to provide for the improvement of rivers and harbors, and also that of the legitimate responsibility of the Executive in the same relation.

In matters of legislation of the most unquestionable constitutionality

it is always material to consider what amount of public money shall be appropriated for any particular object. The same consideration applies with augmented force to a class of appropriations which are in their nature peculiarly prone to run to excess, and which, being made in the exercise of incidental powers, have intrinsic tendency to overstep the bounds of constitutionality.

If an appropriation for improving the navigability of a river or deepening or protecting a harbor have reference to military or naval purposes, then its rightfulness, whether in amount or in the objects to which it is applied, depends, manifestly, on the military or naval exigency; and the subject-matter affords its own measure of legislative discretion. But if the appropriation for such an object have no distinct relation to the military or naval wants of the country, and is wholly, or even mainly, intended to promote the revenue from commerce, then the very vagueness of the proposed purpose of the expenditure constitutes a perpetual admonition of reserve and caution. Through disregard of this it is undeniable that in many cases appropriations of this nature have been made unwisely, without accomplishing beneficial results commensurate with the cost, and sometimes for evil rather than good, independently of their dubious relation to the Constitution.

Among the radical changes of the course of legislation in these matters which, in my judgment, the public interest demands, one is a return to the primitive idea of Congress, which required in this class of public works, as in all others, a conveyance of the soil and a cession of the jurisdiction to the United States. I think this condition ought never to have been waived in the case of any harbor improvement of a permanent nature, as where piers, jetties, sea walls, and other like works are to be constructed and maintained. It would powerfully tend to counteract endeavors to obtain appropriations of a local character and chiefly calculated to promote individual interests. The want of such a provision is the occasion of abuses in regard to existing works, exposing them to private encroachment without sufficient means of redress by law. Indeed, the absence in such cases of a cession of jurisdiction has constituted one of the constitutional objections to appropriations of this class. It is not easy to perceive any sufficient reason for requiring it in the case of arsenals or forts which does not equally apply to all other public works. If to be constructed and maintained by Congress in the exercise of a constitutional power of appropriation, they should be brought within the jurisdiction of the United States.

There is another measure of precaution in regard to such appropriations which seems to me to be worthy of the consideration of Congress. It is to make appropriation for every work in a separate bill, so that each one shall stand on its own independent merits, and if it pass shall do so under circumstances of legislative scrutiny entitling it to be regarded as of general interest and a proper subject of charge on the Treasury of the Union

During that period of time in which the country had not come to look to Congress for appropriations of this nature several of the States whose productions or geographical position invited foreign commerce had entered upon plans for the improvement of their harbors by themselves and through means of support drawn directly from that commerce, in virtue of an express constitutional power, needing for its exercise only the permission of Congress. Harbor improvements thus constructed and maintained, the expenditures upon them being defrayed by the very facilities they afford, are a voluntary charge on those only who see fit to avail themselves of such facilities, and can be justly complained of by none. On the other hand, so long as these improvements are carried on by appropriations from the Treasury the benefits will continue to inure to those alone who enjoy the facilities afforded, while the expenditure will be a burden upon the whole country and the discrimination a double injury to places equally requiring improvement, but not equally favored by appropriations.

These considerations, added to the embarrassments of the whole question, amply suffice to suggest the policy of confining appropriations by the General Government to works necessary to the execution of its undoubted powers and of leaving all others to individual enterprise or to the separate States, to be provided for out of their own resources or by recurrence to the provision of the Constitution which authorizes the States to lay duties of tonnage with the consent of Congress.

FRANKLIN PIERCE.

PROCLAMATIONS.

By the President of the United States.

A PROCLAMATION.

Whereas information has been received by me that an unlawful expedition has been fitted out in the State of California with a view to invade Mexico, a nation maintaining friendly relations with the United States, and that other expeditions are organizing within the United States for the same unlawful purpose; and

Whereas certain citizens and inhabitants of this country, unmindful of their obligations and duties and of the rights of a friendly power, have participated and are about to participate in these enterprises, so derogatory to our national character and so threatening to our tranquillity, and are thereby incurring the severe penalties imposed by law against such offenders:

Now, therefore, I, Franklin Pierce, President of the United States, have issued this my proclamation, warning all persons who shall connect

themselves with any such enterprise or expedition that the penalties of the law denounced against such criminal conduct will be rigidly enforced; and I exhort all good citizens, as they regard our national character, as they respect our laws or the law of nations, as they value the blessings of peace and the welfare of their country, to discountenance and by all lawful means prevent such criminal enterprises; and I call upon all officers of this Government, civil and military, to use any efforts which may be in their power to arrest for trial and punishment every such offender.

Given under my hand and the seal of the United States, at Washington, this 18th day of January, A. D. 1854, and the seventy-eighth of the Independence of the United States.

[SEAL.]

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas information has been received that sundry persons, citizens of the United States and others residing therein, are engaged in organizing and fitting out a military expedition for the invasion of the island of Cuba; and

Whereas the said undertaking is contrary to the spirit and express stipulations of treaties between the United States and Spain, derogatory to the character of this nation, and in violation of the obvious duties and obligations of faithful and patriotic citizens; and

Whereas it is the duty of the constituted authorities of the United States to hold and maintain the control of the great question of peace or war, and not suffer the same to be lawlessly complicated under any pretense whatever; and

Whereas to that end all private enterprises of a hostile character within the United States against any foreign power with which the United States are at peace are forbidden and declared to be a high misdemeanor by an express act of Congress:

Now, therefore, in virtue of the authority vested by the Constitution in the President of the United States, I do issue this proclamation to warn all persons that the General Government claims it as a right and duty to interpose itself for the honor of its flag, the rights of its citizens, the national security, and the preservation of the public tranquillity, from whatever quarter menaced, and it will not fail to prosecute with due energy all those who, unmindful of their own and their country's fame, presume thus to disregard the laws of the land and our treaty obligations.

I earnestly exhort all good citizens to discountenance and prevent any movement in conflict with law and national faith, especially charging the several district attorneys, collectors, and other officers of the United States, civil or military, having lawful power in the premises, to exert the same for the purpose of maintaining the authority and preserving the peace of the United States.

Given under my hand and the seal of the United States, at Washington, the 31st day of May, A. D. 1854, and the seventy-eighth of the Independence of the United States.

[SEAL.]

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

Secretary of State.

SECOND ANNUAL MESSAGE.

WASHINGTON, *December 4, 1854.*

Fellow-Citizens of the Senate and of the House of Representatives:

The past has been an eventful year, and will be hereafter referred to as a marked epoch in the history of the world. While we have been happily preserved from the calamities of war, our domestic prosperity has not been entirely uninterrupted. The crops in portions of the country have been nearly cut off. Disease has prevailed to a greater extent than usual, and the sacrifice of human life through casualties by sea and land is without parallel. But the pestilence has swept by, and restored salubrity invites the absent to their homes and the return of business to its ordinary channels. If the earth has rewarded the labor of the husbandman less bountifully than in preceding seasons, it has left him with abundance for domestic wants and a large surplus for exportation. In the present, therefore, as in the past, we find ample grounds for reverent thankfulness to the God of grace and providence for His protecting care and merciful dealings with us as a people.

Although our attention has been arrested by painful interest in passing events, yet our country feels no more than the slight vibrations of the convulsions which have shaken Europe. As individuals we can not repress sympathy with human suffering nor regret for the causes which produce it; as a nation we are reminded that whatever interrupts the peace or checks the prosperity of any part of Christendom tends more or less to involve our own. The condition of States is not unlike that of individuals; they are mutually dependent upon each other. Amicable relations between them and reciprocal good will are essential for the promotion of whatever is desirable in their moral, social, and political

condition. Hence it has been my earnest endeavor to maintain peace and friendly intercourse with all nations.

The wise theory of this Government, so early adopted and steadily pursued, of avoiding all entangling alliances has hitherto exempted it from many complications in which it would otherwise have become involved. Notwithstanding this our clearly defined and well-sustained course of action and our geographical position, so remote from Europe, increasing disposition has been manifested by some of its Governments to supervise and in certain respects to direct our foreign policy. In plans for adjusting the balance of power among themselves they have assumed to take us into account, and would constrain us to conform our conduct to their views. One or another of the powers of Europe has from time to time undertaken to enforce arbitrary regulations contrary in many respects to established principles of international law. That law the United States have in their foreign intercourse uniformly respected and observed, and they can not recognize any such interpolations therein as the temporary interests of others may suggest. They do not admit that the sovereigns of one continent or of a particular community of states can legislate for all others.

Leaving the transatlantic nations to adjust their political system in the way they may think best for their common welfare, the independent powers of this continent may well assert the right to be exempt from all annoying interference on their part. Systematic abstinence from intimate political connection with distant foreign nations does not conflict with giving the widest range to our foreign commerce. This distinction, so clearly marked in history, seems to have been overlooked or disregarded by some leading foreign states. Our refusal to be brought within and subjected to their peculiar system has, I fear, created a jealous distrust of our conduct and induced on their part occasional acts of disturbing effect upon our foreign relations. Our present attitude and past course give assurances, which should not be questioned, that our purposes are not aggressive nor threatening to the safety and welfare of other nations. Our military establishment in time of peace is adapted to maintain exterior defenses and to preserve order among the aboriginal tribes within the limits of the Union. Our naval force is intended only for the protection of our citizens abroad and of our commerce, diffused, as it is, over all the seas of the globe. The Government of the United States, being essentially pacific in policy, stands prepared to repel invasion by the voluntary service of a patriotic people, and provides no permanent means of foreign aggression. These considerations should allay all apprehension that we are disposed to encroach on the rights or endanger the security of other states.

Some European powers have regarded with disquieting concern the territorial expansion of the United States. This rapid growth has resulted from the legitimate exercise of sovereign rights belonging alike

to all nations, and by many liberally exercised. Under such circumstances it could hardly have been expected that those among them which have within a comparatively recent period subdued and absorbed ancient kingdoms, planted their standards on every continent, and now possess or claim the control of the islands of every ocean as their appropriate domain would look with unfriendly sentiments upon the acquisitions of this country, in every instance hororably obtained, or would feel themselves justified in imputing our advancement to a spirit of aggression or to a passion for political predominance.

Our foreign commerce has reached a magnitude and extent nearly equal to that of the first maritime power of the earth, and exceeding that of any other. Over this great interest, in which not only our merchants, but all classes of citizens, at least indirectly, are concerned, it is the duty of the executive and legislative branches of the Government to exercise a careful supervision and adopt proper measures for its protection. The policy which I had in view in regard to this interest embraces its future as well as its present security. Long experience has shown that, in general, when the principal powers of Europe are engaged in war the rights of neutral nations are endangered. This consideration led, in the progress of the War of our Independence, to the formation of the celebrated confederacy of armed neutrality, a primary object of which was to assert the doctrine that free ships make free goods, except in the case of articles contraband of war—a doctrine which from the very commencement of our national being has been a cherished idea of the statesmen of this country. At one period or another every maritime power has by some solemn treaty stipulation recognized that principle, and it might have been hoped that it would come to be universally received and respected as a rule of international law. But the refusal of one power prevented this, and in the next great war which ensued—that of the French Revolution—it failed to be respected among the belligerent States of Europe. Notwithstanding this, the principle is generally admitted to be a sound and salutary one, so much so that at the commencement of the existing war in Europe Great Britain and France announced their purpose to observe it for the present; not, however, as a recognized international right, but as a mere concession for the time being. The cooperation, however, of these two powerful maritime nations in the interest of neutral rights appeared to me to afford an occasion inviting and justifying on the part of the United States a renewed effort to make the doctrine in question a principle of international law, by means of special conventions between the several powers of Europe and America. Accordingly, a proposition embracing not only the rule that free ships make free goods, except contraband articles, but also the less contested one that neutral property other than contraband, though on board enemy's ships, shall be exempt from confiscation, has been submitted by this Government to those of Europe and America.

Russia acted promptly in this matter, and a convention was concluded between that country and the United States providing for the observance of the principles announced, not only as between themselves, but also as between them and all other nations which shall enter into like stipulations. None of the other powers have as yet taken final action on the subject. I am not aware, however, that any objection to the proposed stipulations has been made, but, on the contrary, they are acknowledged to be essential to the security of neutral commerce, and the only apparent obstacle to their general adoption is in the possibility that it may be encumbered by inadmissible conditions.

The King of the Two Sicilies has expressed to our minister at Naples his readiness to concur in our proposition relative to neutral rights and to enter into a convention on that subject.

The King of Prussia entirely approves of the project of a treaty to the same effect submitted to him, but proposes an additional article providing for the renunciation of privateering. Such an article, for most obvious reasons, is much desired by nations having naval establishments large in proportion to their foreign commerce. If it were adopted as an international rule, the commerce of a nation having comparatively a small naval force would be very much at the mercy of its enemy in case of war with a power of decided naval superiority. The bare statement of the condition in which the United States would be placed, after having surrendered the right to resort to privateers, in the event of war with a belligerent of naval supremacy will show that this Government could never listen to such a proposition. The navy of the first maritime power in Europe is at least ten times as large as that of the United States. The foreign commerce of the two countries is nearly equal, and about equally exposed to hostile depredations. In war between that power and the United States, without resort on our part to our mercantile marine the means of our enemy to inflict injury upon our commerce would be tenfold greater than ours to retaliate. We could not extricate our country from this unequal condition, with such an enemy, unless we at once departed from our present peaceful policy and became a great naval power. Nor would this country be better situated in war with one of the secondary naval powers. Though the naval disparity would be less, the greater extent and more exposed condition of our widespread commerce would give any of them a like advantage over us.

The proposition to enter into engagements to forego a resort to privateers in case this country should be forced into war with a great naval power is not entitled to more favorable consideration than would be a proposition to agree not to accept the services of volunteers for operations on land. When the honor or the rights of our country require it to assume a hostile attitude, it confidently relies upon the patriotism of its citizens, not ordinarily devoted to the military profession, to augment the Army and the Navy so as to make them fully adequate to the emergency

which calls them into action. The proposal to surrender the right to employ privateers is professedly founded upon the principle that private property of unoffending noncombatants, though enemies, should be exempt from the ravages of war; but the proposed surrender goes but little way in carrying out that principle, which equally requires that such private property should not be seized or molested by national ships of war. Should the leading powers of Europe concur in proposing as a rule of international law to exempt private property upon the ocean from seizure by public armed cruisers as well as by privateers, the United States will readily meet them upon that broad ground.

Since the adjournment of Congress the ratifications of the treaty between the United States and Great Britain relative to coast fisheries and to reciprocal trade with the British North American Provinces have been exchanged, and some of its anticipated advantages are already enjoyed by us, although its full execution was to abide certain acts of legislation not yet fully performed. So soon as it was ratified Great Britain opened to our commerce the free navigation of the river St. Lawrence and to our fishermen unmolested access to the shores and bays, from which they had been previously excluded, on the coasts of her North American Provinces; in return for which she asked for the introduction free of duty into the ports of the United States of the fish caught on the same coast by British fishermen. This being the compensation stipulated in the treaty for privileges of the highest importance and value to the United States, which were thus voluntarily yielded before it became effective, the request seemed to me to be a reasonable one; but it could not be acceded to from want of authority to suspend our laws imposing duties upon all foreign fish. In the meantime the Treasury Department issued a regulation for ascertaining the duties paid or secured by bonds on fish caught on the coasts of the British Provinces and brought to our markets by British subjects after the fishing grounds had been made fully accessible to the citizens of the United States. I recommend to your favorable consideration a proposition, which will be submitted to you, for authority to refund the duties and cancel the bonds thus received. The Provinces of Canada and New Brunswick have also anticipated the full operation of the treaty by legislative arrangements, respectively, to admit free of duty the products of the United States mentioned in the free list of the treaty; and an arrangement similar to that regarding British fish has been made for duties now chargeable on the products of those Provinces enumerated in the same free list and introduced therefrom into the United States, a proposition for refunding which will, in my judgment, be in like manner entitled to your favorable consideration.

There is difference of opinion between the United States and Great Britain as to the boundary line of the Territory of Washington adjoining the British possessions on the Pacific, which has already led to difficulties on the part of the citizens and local authorities of the two Governments

I recommend that provision be made for a commission, to be joined by one on the part of Her Britannic Majesty, for the purpose of running and establishing the line in controversy. Certain stipulations of the third and fourth articles of the treaty concluded by the United States and Great Britain in 1846, regarding possessory rights of the Hudsons Bay Company and property of the Pugets Sound Agricultural Company, have given rise to serious disputes, and it is important to all concerned that summary means of settling them amicably should be devised. I have reason to believe that an arrangement can be made on just terms for the extinguishment of the rights in question, embracing also the right of the Hudsons Bay Company to the navigation of the river Columbia; and I therefore suggest to your consideration the expediency of making a contingent appropriation for that purpose.

France was the early and efficient ally of the United States in their struggle for independence. From that time to the present, with occasional slight interruptions, cordial relations of friendship have existed between the Governments and people of the two countries. The kindly sentiments cherished alike by both nations have led to extensive social and commercial intercourse, which I trust will not be interrupted or checked by any casual event of an apparently unsatisfactory character. The French consul at San Francisco was not long since brought into the United States district court at that place by compulsory process as a witness in favor of another foreign consul, in violation, as the French Government conceives, of his privileges under our consular convention with France. There being nothing in the transaction which could imply any disrespect to France or its consul, such explanation has been made as, I hope, will be satisfactory. Subsequently misunderstanding arose on the subject of the French Government having, as it appeared, abruptly excluded the American minister to Spain from passing through France on his way from London to Madrid. But that Government has unequivocally disavowed any design to deny the right of transit to the minister of the United States, and after explanations to this effect he has resumed his journey and actually returned through France to Spain. I herewith lay before Congress the correspondence on this subject between our envoy at Paris and the minister of foreign relations of the French Government.

The position of our affairs with Spain remains as at the close of the last session. Internal agitation, assuming very nearly the character of political revolution, has recently convulsed that country. The late ministers were violently expelled from power, and men of very different views in relation to its internal affairs have succeeded. Since this change there has been no propitious opportunity to resume and press on negotiations for the adjustment of serious questions of difficulty between the Spanish Government and the United States. There is reason to believe that our minister will find the present Government more favorably inclined than the preceding to comply with our just demands and to make suitable

arrangements for restoring harmony and preserving peace between the two countries.

Negotiations are pending with Denmark to discontinue the practice of levying tolls on our vessels and their cargoes passing through the Sound. I do not doubt that we can claim exemption therefrom as a matter of right. It is admitted on all hands that this exaction is sanctioned, not by the general principles of the law of nations, but only by special conventions which most of the commercial nations have entered into with Denmark. The fifth article of our treaty of 1826 with Denmark provides that there shall not be paid on the vessels of the United States and their cargoes when passing through the Sound higher duties than those of the most favored nations. This may be regarded as an implied agreement to submit to the tolls during the continuance of the treaty, and consequently may embarrass the assertion of our right to be released therefrom. There are also other provisions in the treaty which ought to be modified. It was to remain in force for ten years and until one year after either party should give notice to the other of intention to terminate it. I deem it expedient that the contemplated notice should be given to the Government of Denmark.

The naval expedition dispatched about two years since for the purpose of establishing relations with the Empire of Japan has been ably and skillfully conducted to a successful termination by the officer to whom it was intrusted. A treaty opening certain of the ports of that populous country has been negotiated, and in order to give full effect thereto it only remains to exchange ratifications and adopt requisite commercial regulations.

The treaty lately concluded between the United States and Mexico settled some of our most embarrassing difficulties with that country, but numerous claims upon it for wrongs and injuries to our citizens remained unadjusted, and many new cases have been recently added to the former list of grievances. Our legation has been earnest in its endeavors to obtain from the Mexican Government a favorable consideration of these claims, but hitherto without success. This failure is probably in some measure to be ascribed to the disturbed condition of that country. It has been my anxious desire to maintain friendly relations with the Mexican Republic and to cause its rights and territories to be respected, not only by our citizens, but by foreigners who have resorted to the United States for the purpose of organizing hostile expeditions against some of the States of that Republic. The defenseless condition in which its frontiers have been left has stimulated lawless adventurers to embark in these enterprises and greatly increased the difficulty of enforcing our obligations of neutrality. Regarding it as my solemn duty to fulfill efficiently these obligations, not only toward Mexico, but other foreign nations, I have exerted all the powers with which I am invested to defeat such proceedings and bring to punishment those who by taking a part therein

violated our laws. The energy and activity of our civil and military authorities have frustrated the designs of those who meditated expeditions of this character except in two instances. One of these, composed of foreigners, was at first countenanced and aided by the Mexican Government itself, it having been deceived as to their real object. The other, small in number, eluded the vigilance of the magistrates at San Francisco and succeeded in reaching the Mexican territories; but the effective measures taken by this Government compelled the abandonment of the undertaking.

The commission to establish the new line between the United States and Mexico, according to the provisions of the treaty of the 30th of December last, has been organized, and the work is already commenced.

Our treaties with the Argentine Confederation and with the Republics of Uruguay and Paraguay secure to us the free navigation of the river La Plata and some of its larger tributaries, but the same success has not attended our endeavors to open the Amazon. The reasons in favor of the free use of that river I had occasion to present fully in a former message, and, considering the cordial relations which have long existed between this Government and Brazil, it may be expected that pending negotiations will eventually reach a favorable result.

Convenient means of transit between the several parts of a country are not only desirable for the objects of commercial and personal communication, but essential to its existence under one government. Separated, as are the Atlantic and Pacific coasts of the United States, by the whole breadth of the continent, still the inhabitants of each are closely bound together by community of origin and institutions and by strong attachment to the Union. Hence the constant and increasing intercourse and vast interchange of commercial productions between these remote divisions of the Republic. At the present time the most practicable and only commodious routes for communication between them are by the way of the isthmus of Central America. It is the duty of the Government to secure these avenues against all danger of interruption.

In relation to Central America, perplexing questions existed between the United States and Great Britain at the time of the cession of California. These, as well as questions which subsequently arose concerning interoceanic communication across the Isthmus, were, as it was supposed, adjusted by the treaty of April 19, 1850, but, unfortunately, they have been reopened by serious misunderstanding as to the import of some of its provisions, a readjustment of which is now under consideration. Our minister at London has made strenuous efforts to accomplish this desirable object, but has not yet found it possible to bring the negotiations to a termination.

As incidental to these questions, I deem it proper to notice an occurrence which happened in Central America near the close of the last session of Congress. So soon as the necessity was perceived of establishing

interoceanic communications across the Isthmus a company was organized, under the authority of the State of Nicaragua, but composed for the most part of citizens of the United States, for the purpose of opening such a transit way by the river San Juan and Lake Nicaragua, which soon became an eligible and much used route in the transportation of our citizens and their property between the Atlantic and Pacific. Meanwhile, and in anticipation of the completion and importance of this transit way, a number of adventurers had taken possession of the old Spanish port at the mouth of the river San Juan in open defiance of the State or States of Central America, which upon their becoming independent had rightfully succeeded to the local sovereignty and jurisdiction of Spain. These adventurers undertook to change the name of the place from San Juan del Norte to Greytown, and though at first pretending to act as the subjects of the fictitious sovereign of the Mosquito Indians, they subsequently repudiated the control of any power whatever, assumed to adopt a distinct political organization, and declared themselves an independent sovereign state. If at some time a faint hope was entertained that they might become a stable and respectable community, that hope soon vanished. They proceeded to assert unfounded claims to civil jurisdiction over Punta Arenas, a position on the opposite side of the river San Juan, which was in possession, under a title wholly independent of them, of citizens of the United States interested in the Nicaragua Transit Company, and which was indispensably necessary to the prosperous operation of that route across the Isthmus. The company resisted their groundless claims, whereupon they proceeded to destroy some of its buildings and attempted violently to dispossess it.

At a later period they organized a strong force for the purpose of demolishing the establishment at Punta Arenas, but this mischievous design was defeated by the interposition of one of our ships of war at that time in the harbor of San Juan. Subsequently to this, in May last, a body of men from Greytown crossed over to Punta Arenas, arrogating authority to arrest on the charge of murder a captain of one of the steamboats of the Transit Company. Being well aware that the claim to exercise jurisdiction there would be resisted then, as it had been on previous occasions, they went prepared to assert it by force of arms. Our minister to Central America happened to be present on that occasion. Believing that the captain of the steamboat was innocent (for he witnessed the transaction on which the charge was founded), and believing also that the intruding party, having no jurisdiction over the place where they proposed to make the arrest, would encounter desperate resistance if they persisted in their purpose, he interposed, effectually, to prevent violence and bloodshed. The American minister afterwards visited Greytown, and whilst he was there a mob, including certain of the so-called public functionaries of the place, surrounded the house in which he was, avowing that they had come to arrest him by order of

some person exercising the chief authority. While parleying with them he was wounded by a missile from the crowd. A boat dispatched from the American steamer *Northern Light* to release him from the perilous situation in which he was understood to be was fired into by the town guard and compelled to return. These incidents, together with the known character of the population of Greytown and their excited state, induced just apprehensions that the lives and property of our citizens at Punta Arenas would be in imminent danger after the departure of the steamer, with her passengers, for New York, unless a guard was left for their protection. For this purpose, and in order to insure the safety of passengers and property passing over the route, a temporary force was organized, at considerable expense to the United States, for which provision was made at the last session of Congress.

This pretended community, a heterogeneous assemblage gathered from various countries, and composed for the most part of blacks and persons of mixed blood, had previously given other indications of mischievous and dangerous propensities. Early in the same month property was clandestinely abstracted from the depot of the Transit Company and taken to Greytown. The plunderers obtained shelter there and their pursuers were driven back by its people, who not only protected the wrongdoers and shared the plunder, but treated with rudeness and violence those who sought to recover their property.

Such, in substance, are the facts submitted to my consideration, and proved by trustworthy evidence. I could not doubt that the case demanded the interposition of this Government. Justice required that reparation should be made for so many and such gross wrongs, and that a course of insolence and plunder, tending directly to the insecurity of the lives of numerous travelers and of the rich treasure belonging to our citizens passing over this transit way, should be peremptorily arrested. Whatever it might be in other respects, the community in question, in power to do mischief, was not despicable. It was well provided with ordnance, small arms, and ammunition, and might easily seize on the unarmed boats, freighted with millions of property, which passed almost daily within its reach. It did not profess to belong to any regular government, and had, in fact, no recognized dependence on or connection with anyone to which the United States or their injured citizens might apply for redress or which could be held responsible in any way for the outrages committed. Not standing before the world in the attitude of an organized political society, being neither competent to exercise the rights nor to discharge the obligations of a government, it was, in fact, a marauding establishment too dangerous to be disregarded and too guilty to pass unpunished, and yet incapable of being treated in any other way than as a piratical resort of outlaws or a camp of savages depredating on emigrant trains or caravans and the frontier settlements of civilized states.

Seasonable notice was given to the people of Greytown that this Government required them to repair the injuries they had done to our citizens and to make suitable apology for their insult of our minister, and that a ship of war would be dispatched thither to enforce compliance with these demands. But the notice passed unheeded. Thereupon a commander of the Navy, in charge of the sloop of war *Cyane*, was ordered to repeat the demands and to insist upon a compliance therewith. Finding that neither the populace nor those assuming to have authority over them manifested any disposition to make the required reparation, or even to offer excuse for their conduct, he warned them by a public proclamation that if they did not give satisfaction within a time specified he would bombard the town. By this procedure he afforded them opportunity to provide for their personal safety. To those also who desired to avoid loss of property in the punishment about to be inflicted on the offending town he furnished the means of removing their effects by the boats of his own ship and of a steamer which he procured and tendered to them for that purpose. At length, perceiving no disposition on the part of the town to comply with his requisitions, he appealed to the commander of Her Britannic Majesty's schooner *Bermuda*, who was seen to have intercourse and apparently much influence with the leaders among them, to interpose and persuade them to take some course calculated to save the necessity of resorting to the extreme measure indicated in his proclamation; but that officer, instead of acceding to the request, did nothing more than to protest against the contemplated bombardment. No steps of any sort were taken by the people to give the satisfaction required. No individuals, if any there were, who regarded themselves as not responsible for the misconduct of the community adopted any means to separate themselves from the fate of the guilty. The several charges on which the demands for redress were founded had been publicly known to all for some time, and were again announced to them. They did not deny any of these charges; they offered no explanation, nothing in extenuation of their conduct, but contumaciously refused to hold any intercourse with the commander of the *Cyane*. By their obstinate silence they seemed rather desirous to provoke chastisement than to escape it. There is ample reason to believe that this conduct of wanton defiance on their part is imputable chiefly to the delusive idea that the American Government would be deterred from punishing them through fear of displeasing a formidable foreign power, which they presumed to think looked with complacency upon their aggressive and insulting deportment toward the United States. The *Cyane* at length fired upon the town. Before much injury had been done the fire was twice suspended in order to afford opportunity for an arrangement, but this was declined. Most of the buildings of the place, of little value generally, were in the sequel destroyed, but, owing to the considerate precautions taken by our naval commander, there was no destruction of life.

When the *Cyane* was ordered to Central America, it was confidently hoped and expected that no occasion would arise for "a resort to violence and destruction of property and loss of life." Instructions to that effect were given to her commander; and no extreme act would have been requisite had not the people themselves, by their extraordinary conduct in the affair, frustrated all the possible mild measures for obtaining satisfaction. A withdrawal from the place, the object of his visit entirely defeated, would under the circumstances in which the commander of the *Cyane* found himself have been absolute abandonment of all claim of our citizens for indemnification and submissive acquiescence in national indignity. It would have encouraged in these lawless men a spirit of insolence and rapine most dangerous to the lives and property of our citizens at Punta Arenas, and probably emboldened them to grasp at the treasures and valuable merchandise continually passing over the Nicaragua route. It certainly would have been most satisfactory to me if the objects of the *Cyane's* mission could have been consummated without any act of public force, but the arrogant contumacy of the offenders rendered it impossible to avoid the alternative either to break up their establishment or to leave them impressed with the idea that they might persevere with impunity in a career of insolence and plunder.

This transaction has been the subject of complaint on the part of some foreign powers, and has been characterized with more of harshness than of justice. If comparisons were to be instituted, it would not be difficult to present repeated instances in the history of states standing in the very front of modern civilization where communities far less offending and more defenseless than Greytown have been chastised with much greater severity, and where not cities only have been laid in ruins, but human life has been recklessly sacrificed and the blood of the innocent made profusely to mingle with that of the guilty.

Passing from foreign to domestic affairs, your attention is naturally directed to the financial condition of the country, always a subject of general interest. For complete and exact information regarding the finances and the various branches of the public service connected therewith I refer you to the report of the Secretary of the Treasury, from which it will appear that the amount of revenue during the last fiscal year from all sources was $73,549,705, and that the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to $51,018,249. During the same period the payments made in redemption of the public debt, including interest and premium, amounted to $24,336,380. To the sum total of the receipts of that year is to be added a balance remaining in the Treasury at the commencement thereof, amounting to $21,942,892; and at the close of the same year a corresponding balance, amounting to $20,137,967, of receipts above expenditures also remained in the Treasury. Although, in the opinion of the Secretary of the Treasury, the receipts of the current fiscal year are not likely to equal in amount

those of the last, yet they will undoubtedly exceed the amount of expenditures by at least $15,000,000. I shall therefore continue to direct that the surplus revenue be applied, so far as it can be judiciously and economically done, to the reduction of the public debt, the amount of which at the commencement of the last fiscal year was $67,340,628; of which there had been paid on the 20th day of November, 1854, the sum of $22,365,172, leaving a balance of outstanding public debt of only $44,975,456, redeemable at different periods within fourteen years. There are also remnants of other Government stocks, most of which are already due, and on which the interest has ceased, but which have not yet been presented for payment, amounting to $233,179. This statement exhibits the fact that the annual income of the Government greatly exceeds the amount of its public debt, which latter remains unpaid only because the time of payment has not yet matured, and it can not be discharged at once except at the option of public creditors, who prefer to retain the securities of the United States; and the other fact, not less striking, that the annual revenue from all sources exceeds by many millions of dollars the amount needed for a prudent and economical administration of the Government.

The estimates presented to Congress from the different Executive Departments at the last session amounted to $38,406,581 and the appropriations made to the sum of $58,116,958. Of this excess of appropriations over estimates, however, more than twenty millions was applicable to extraordinary objects, having no reference to the usual annual expenditures. Among these objects was embraced ten millions to meet the third article of the treaty between the United States and Mexico; so that, in fact, for objects of ordinary expenditure the appropriations were limited to considerably less than $40,000,000. I therefore renew my recommendation for a reduction of the duties on imports. The report of the Secretary of the Treasury presents a series of tables showing the operation of the revenue system for several successive years; and as the general principle of reduction of duties with a view to revenue, and not protection, may now be regarded as the settled policy of the country, I trust that little difficulty will be encountered in settling the details of a measure to that effect.

In connection with this subject I recommend a change in the laws, which recent experience has shown to be essential to the protection of the Government. There is no express provision of law requiring the records and papers of a public character of the several officers of the Government to be left in their offices for the use of their successors, nor any provision declaring it felony on their part to make false entries in the books or return false accounts. In the absence of such express provision by law, the outgoing officers in many instances have claimed and exercised the right to take into their own possession important books and papers, on the ground that these were their private property, and have

placed them beyond the reach of the Government. Conduct of this character, brought in several instances to the notice of the present Secretary of the Treasury, naturally awakened his suspicion, and resulted in the disclosure that at four ports—namely, Oswego, Toledo, Sandusky, and Milwaukee—the Treasury had, by false entries, been defrauded within the four years next preceding March, 1853, of the sum of $198,000. The great difficulty with which the detection of these frauds has been attended, in consequence of the abstraction of books and papers by the retiring officers, and the facility with which similar frauds in the public service may be perpetrated render the necessity of new legal enactments in the respects above referred to quite obvious. For other material modifications of the revenue laws which seem to me desirable, I refer you to the report of the Secretary of the Treasury. That report and the tables which accompany it furnish ample proofs of the solid foundation on which the financial security of the country rests and of the salutary influence of the independent-treasury system upon commerce and all monetary operations.

The experience of the last year furnishes additional reasons, I regret to say, of a painful character, for the recommendation heretofore made to provide for increasing the military force employed in the Territory inhabited by the Indians. The settlers on the frontier have suffered much from the incursions of predatory bands, and large parties of emigrants to our Pacific possessions have been massacred with impunity. The recurrence of such scenes can only be prevented by teaching these wild tribes the power of and their responsibility to the United States. From the garrisons of our frontier posts it is only possible to detach troops in small bodies; and though these have on all occasions displayed a gallantry and a stern devotion to duty which on a larger field would have commanded universal admiration, they have usually suffered severely in these conflicts with superior numbers, and have sometimes been entirely sacrificed. All the disposable force of the Army is already employed on this service, and is known to be wholly inadequate to the protection which should be afforded. The public mind of the country has been recently shocked by savage atrocities committed upon defenseless emigrants and border settlements, and hardly less by the unnecessary destruction of valuable lives where inadequate detachments of troops have undertaken to furnish the needed aid. Without increase of the military force these scenes will be repeated, it is to be feared, on a larger scale and with more disastrous consequences. Congress, I am sure, will perceive that the plainest duties and responsibilities of Government are involved in this question, and I doubt not that prompt action may be confidently anticipated when delay must be attended by such fearful hazards.

The bill of the last session providing for an increase of the pay of the rank and file of the Army has had beneficial results, not only in facilitating enlistments, but in obvious improvement in the class of men who

enter the service. I regret that corresponding consideration was not bestowed on the officers, who, in view of their character and services and the expenses to which they are necessarily subject, receive at present what is, in my judgment, inadequate compensation.

The valuable services constantly rendered by the Army and its inestimable importance as the nucleus around which the volunteer forces of the nation can promptly gather in the hour of danger, sufficiently attest the wisdom of maintaining a military peace establishment; but the theory of our system and the wise practice under it require that any proposed augmentation in time of peace be only commensurate with our extended limits and frontier relations. While scrupulously adhering to this principle, I find in existing circumstances a necessity for increase of our military force, and it is believed that four new regiments, two of infantry and two of mounted men, will be sufficient to meet the present exigency. If it were necessary carefully to weigh the cost in a case of such urgency, it would be shown that the additional expense would be comparatively light.

With the increase of the numerical force of the Army should, I think, be combined certain measures of reform in its organic arrangement and administration. The present organization is the result of partial legislation often directed to special objects and interests; and the laws regulating rank and command, having been adopted many years ago from the British code, are not always applicable to our service. It is not surprising, therefore, that the system should be deficient in the symmetry and simplicity essential to the harmonious working of its several parts, and require a careful revision.

The present organization, by maintaining large staff corps or departments, separates many officers from that close connection with troops and those active duties in the field which are deemed requisite to qualify them for the varied responsibilities of high command. Were the duties of the Army staff mainly discharged by officers detached from their regiments, it is believed that the special service would be equally well performed and the discipline and instruction of the Army be improved. While due regard to the security of the rights of officers and to the nice sense of honor which should be cultivated among them would seem to exact compliance with the established rule of promotion in ordinary cases, still it can hardly be doubted that the range of promotion by selection, which is now practically confined to the grade of general officers, might be somewhat extended with benefit to the public service. Observance of the rule of seniority sometimes leads, especially in time of peace, to the promotion of officers who, after meritorious and even distinguished service, may have been rendered by age or infirmity incapable of performing active duty, and whose advancement, therefore, would tend to impair the efficiency of the Army. Suitable provision for this class of officers, by the creation of a retired list, would remedy

the evil without wounding the just pride of men who by past services have established a claim to high consideration. In again commending this measure to the favorable consideration of Congress I would suggest that the power of placing officers on the retired list be limited to one year. The practical operation of the measure would thus be tested, and if after the lapse of years there should be occasion to renew the provision it can be reproduced with any improvements which experience may indicate. The present organization of the artillery into regiments is liable to obvious objections. The service of artillery is that of batteries, and an organization of batteries into a corps of artillery would be more consistent with the nature of their duties. A large part of the troops now called artillery are, and have been, on duty as infantry, the distinction between the two arms being merely nominal. This nominal artillery in our service is disproportionate to the whole force and greater than the wants of the country demand. I therefore commend the discontinuance of a distinction which has no foundation in either the arms used or the character of the service expected to be performed.

In connection with the proposition for the increase of the Army, I have presented these suggestions with regard to certain measures of reform as the complement of a system which would produce the happiest results from a given expenditure, and which, I hope, may attract the early attention and be deemed worthy of the approval of Congress.

The recommendation of the Secretary of the Navy having reference to more ample provisions for the discipline and general improvement in the character of seamen and for the reorganization and gradual increase of the Navy I deem eminently worthy of your favorable consideration. The principles which have controlled our policy in relation to the permanent military force by sea and land are sound, consistent with the theory of our system, and should by no means be disregarded. But, limiting the force to the objects particularly set forth in the preceding part of this message, we should not overlook the present magnitude and prospective extension of our commercial marine, nor fail to give due weight to the fact that besides the 2,000 miles of Atlantic seaboard we have now a Pacific coast stretching from Mexico to the British possessions in the north, teeming with wealth and enterprise and demanding the constant presence of ships of war. The augmentation of the Navy has not kept pace with the duties properly and profitably assigned to it in time of peace, and it is inadequate for the large field of its operations, not merely in the present, but still more in the progressively increasing exigencies of the commerce of the United States. I cordially approve of the proposed apprentice system for our national vessels recommended by the Secretary of the Navy.

The occurrence during the last few months of marine disasters of the most tragic nature, involving great loss of human life, has produced intense emotions of sympathy and sorrow throughout the country. It

may well be doubted whether all these calamitous events are wholly attributable to the necessary and inevitable dangers of the sea. The merchants, mariners, and shipbuilders of the United States are, it is true, unsurpassed in far-reaching enterprise, skill, intelligence, and courage by any others in the world. But with the increasing amount of our commercial tonnage in the aggregate and the larger size and improved equipment of the ships now constructed a deficiency in the supply of reliable seamen begins to be very seriously felt. The inconvenience may perhaps be met in part by due regulation for the introduction into our merchant ships of indented apprentices, which, while it would afford useful and eligible occupation to numerous young men, would have a tendency to raise the character of seamen as a class. And it is deserving of serious reflection whether it may not be desirable to revise the existing laws for the maintenance of discipline at sea, upon which the security of life and property on the ocean must to so great an extent depend. Although much attention has already been given by Congress to the proper construction and arrangement of steam vessels and all passenger ships, still it is believed that the resources of science and mechanical skill in this direction have not been exhausted. No good reason exists for the marked distinction which appears upon our statutes between the laws for protecting life and property at sea and those for protecting them on land. In most of the States severe penalties are provided to punish conductors of trains, engineers, and others employed in the transportation of persons by railway or by steamboats on rivers. Why should not the same principle be applied to acts of insubordination, cowardice, or other misconduct on the part of masters and mariners producing injury or death to passengers on the high seas, beyond the jurisdiction of any of the States, and where such delinquencies can be reached only by the power of Congress? The whole subject is earnestly commended to your consideration.

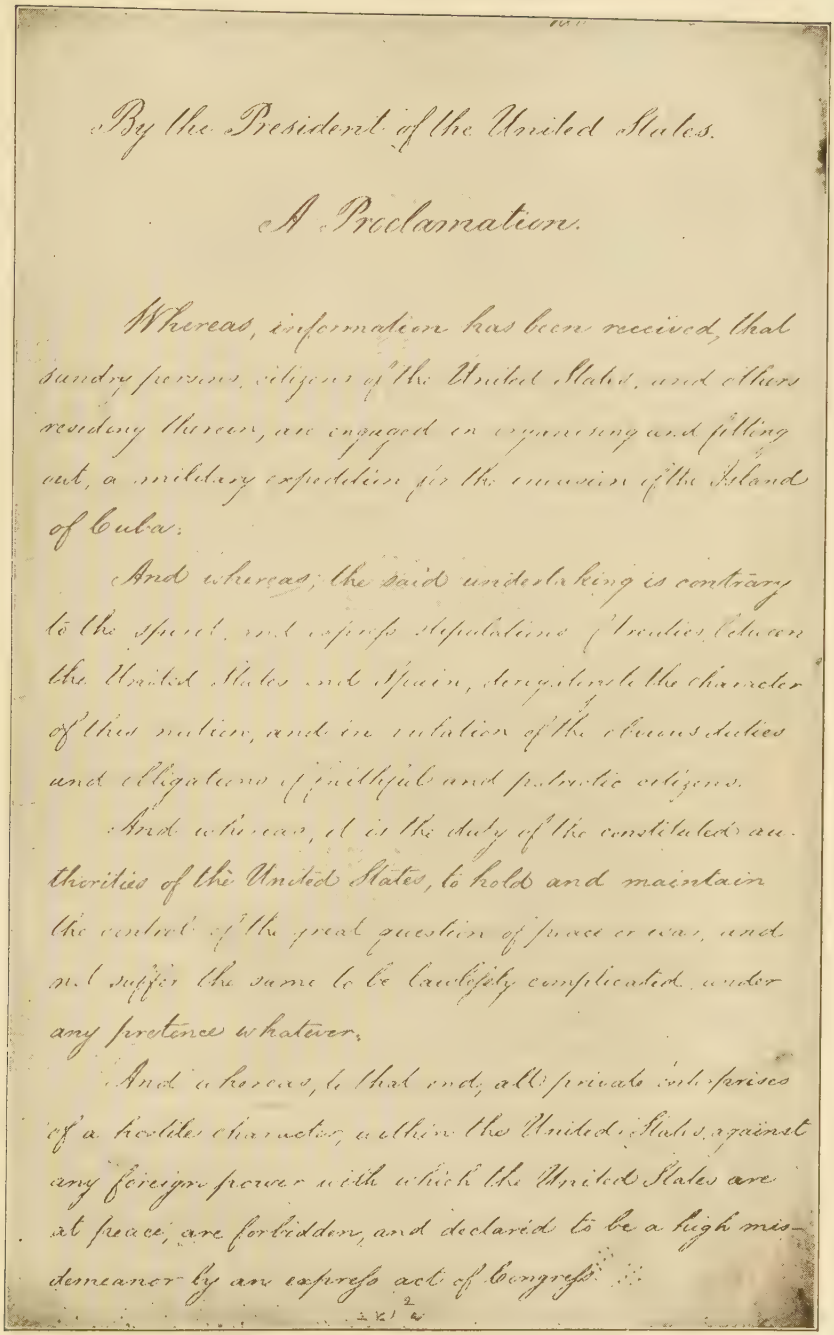
The report of the Postmaster-General, to which you are referred for many interesting details in relation to this important and rapidly extending branch of the public service, shows that the expenditure of the year ending June 30, 1854, including $133,483 of balance due to foreign offices, amounted to $8,710,907. The gross receipts during the same period amounted to $6,955,586, exhibiting an expenditure over income of $1,755,321 and a diminution of deficiency as compared with the last year of $361,756. The increase of the revenue of the Department for the year ending June 30, 1854, over the preceding year was $970,399. No proportionate increase, however, can be anticipated for the current year, in consequence of the act of Congress of June 23, 1854, providing for increased compensation to all postmasters. From these statements it is apparent that the Post-Office Department, instead of defraying its expenses according to the design at the time of its creation, is now, and under existing laws must continue to be, to no small extent a charge

upon the general Treasury. The cost of mail transportation during the year ending June 30, 1854, exceeds the cost of the preceding year by $495,074. I again call your attention to the subject of mail transportation by ocean steamers, and commend the suggestions of the Postmaster-General to your early attention.

During the last fiscal year 11,070,935 acres of the public lands have been surveyed and 8,190,017 acres brought into market. The number of acres sold is 7,035,735 and the amount received therefor $9,285,533. The aggregate amount of lands sold, located under military scrip and land warrants, selected as swamp lands by States, and by locating under grants for roads is upward of 23,000,000 acres. The increase of lands sold over the previous year is about 6,000,000 acres, and the sales during the first two quarters of the current year present the extraordinary result of five and a half millions sold, exceeding by nearly 4,000,000 acres the sales of the corresponding quarters of the last year.

The commendable policy of the Government in relation to setting apart public domain for those who have served their country in time of war is illustrated by the fact that since 1790 no less than 30,000,000 acres have been applied to this object.

The suggestions which I submitted in my annual message of last year in reference to grants of land in aid of the construction of railways were less full and explicit than the magnitude of the subject and subsequent developments would seem to render proper and desirable. Of the soundness of the principle then asserted with regard to the limitation of the power of Congress I entertain no doubt, but in its application it is not enough that the value of lands in a particular locality may be enhanced; that, in fact, a larger amount of money may probably be received in a given time for alternate sections than could have been realized for all the sections without the impulse and influence of the proposed improvements. A prudent proprietor looks beyond limited sections of his domain, beyond present results to the ultimate effect which a particular line of policy is likely to produce upon all his possessions and interests. The Government, which is trustee in this matter for the people of the States, is bound to take the same wise and comprehensive view. Prior to and during the last session of Congress upward of 30,000,000 acres of land were withdrawn from public sale with a view to applications for grants of this character pending before Congress. A careful review of the whole subject led me to direct that all such orders be abrogated and the lands restored to market, and instructions were immediately given to that effect. The applications at the last session contemplated the construction of more than 5,000 miles of road and grants to the amount of nearly 20,000,000 acres of the public domain. Even admitting the right on the part of Congress to be unquestionable, is it quite clear that the proposed grants would be productive of good, and not evil? The different projects are confined for the present to eleven States of this Union



By the President of the United States.

A Proclamation.

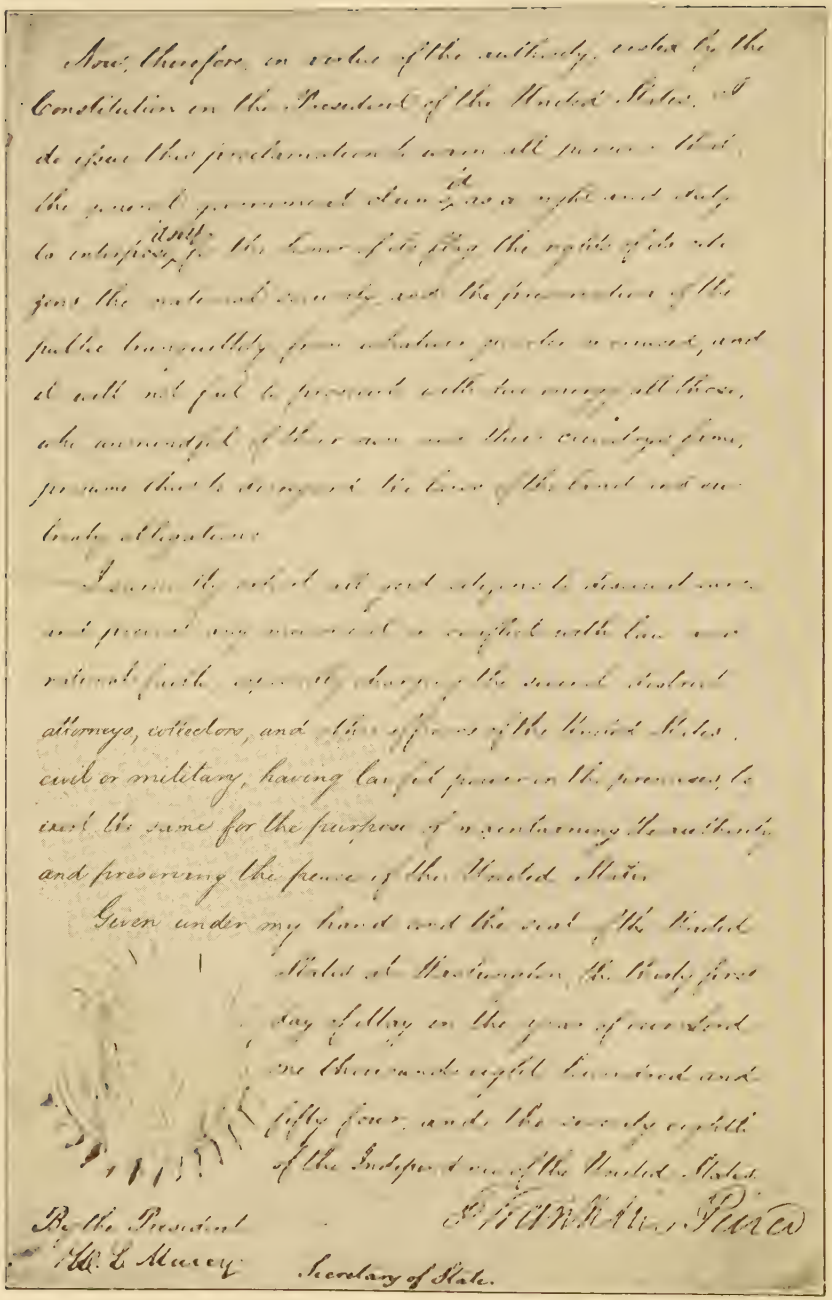
Whereas, information has been received, that sundry persons, citizens of the United States, and others residing therein, are engaged in organizing and fitting out, a military expedition for the invasion of the Island of Cuba:

And whereas, the said undertaking is contrary to the spirit, and express stipulations of treaties between the United States and Spain, derogatory to the character of this nation, and in violation of the obvious duties and obligations of faithful and patriotic citizens.

And whereas, it is the duty of the constituted authorities of the United States, to hold and maintain the control of the great question of peace or war, and not suffer the same to be lawlessly complicated, under any pretence whatever.

And whereas, to that end, all private enterprises of a hostile character, within the United States, against any foreign power with which the United States are at peace, are forbidden, and declared to be a high misdemeanor by an express act of Congress:

PIERCE'S PROCLAMATION AGAINST FILIBUSTERING EXPEDITIONS TO CUBA.



Now, therefore, in virtue of the authority vested by the Constitution in the President of the United States, I do issue this proclamation hereby admonishing all persons that the power & government of the United States are resolved & bound to enforce by the utmost of its power the neutrality of this nation against the unlawful proceedings of the parties to any military expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territory or dominions of any foreign nation with which the United States are at peace, and I do hereby command all persons engaged or concerned in any such unlawful proceedings to desist & refrain therefrom, & I do hereby require all officers & ministers of the United States, civil or military, & all other executive officers of this government, according to their respective powers, to use all lawful means to prevent & restrain the fitting out, arming & equipping within the jurisdiction of the United States of any such military expedition or enterprise, & to detain all persons or vessels or other property concerned in any such unlawful proceedings, in order that the same may be proceeded against according to the forfeitures incurred or penalties prescribed by the laws of the United States.

And I do hereby enjoin all attorneys, marshals & other officers of the United States, civil or military, according to their respective duties, to aid & assist in the prevention of all such unlawful proceedings, & in the detection & punishment of all persons who may be guilty of violating the laws in the premises.

And I do hereby make known that all persons who may connive at the unlawful proceedings prohibited by the laws of the United States render themselves liable to the prosecutions & penalties provided by the laws for such offences.

Given under my hand & the seal of the United States at Washington the thirty first day of July in the year of our Lord one thousand eight hundred & fifty four, & the 79th year of the Independence of the United States.

FRANKLIN PIERCE

By the President
W. L. Marcy
Secretary of State.

SIGNATURES OF PIERCE AND SECRETARY WILLIAM L. MARCY TO PROCLAMATION AGAINST CUBAN FILIBUSTERS.

and one Territory. The reasons assigned for the grants show that it is proposed to put the works speedily in process of construction. When we reflect that since the commencement of the construction of railways in the United States, stimulated, as they have been, by the large dividends realized from the earlier works over the great thoroughfares and between the most important points of commerce and population, encouraged by State legislation, and pressed forward by the amazing energy of private enterprise, only 17,000 miles have been completed in all the States in a quarter of a century; when we see the crippled condition of many works commenced and prosecuted upon what were deemed to be sound principles and safe calculations; when we contemplate the enormous absorption of capital withdrawn from the ordinary channels of business, the extravagant rates of interest at this moment paid to continue operations, the bankruptcies, not merely in money but in character, and the inevitable effect upon finances generally, can it be doubted that the tendency is to run to excess in this matter? Is it wise to augment this excess by encouraging hopes of sudden wealth expected to flow from magnificent schemes dependent upon the action of Congress? Does the spirit which has produced such results need to be stimulated or checked? Is it not the better rule to leave all these works to private enterprise, regulated and, when expedient, aided by the cooperation of States? If constructed by private capital the stimulant and the check go together and furnish a salutary restraint against speculative schemes and extravagance. But it is manifest that with the most effective guards there is danger of going too fast and too far.

We may well pause before a proposition contemplating a simultaneous movement for the construction of railroads which in extent will equal, exclusive of the great Pacific road and all its branches, nearly one-third of the entire length of such works now completed in the United States, and which can not cost with equipments less than $150,000,000. The dangers likely to result from combinations of interests of this character can hardly be overestimated. But independently of these considerations, where is the accurate knowledge, the comprehensive intelligence, which shall discriminate between the relative claims of these twenty-eight proposed roads in eleven States and one Territory? Where will you begin and where end? If to enable these companies to execute their proposed works it is necessary that the aid of the General Government be primarily given, the policy will present a problem so comprehensive in its bearings and so important to our political and social well-being as to claim in anticipation the severest analysis. Entertaining these views, I recur with satisfaction to the experience and action of the last session of Congress as furnishing assurance that the subject will not fail to elicit a careful reexamination and rigid scrutiny.

It was my intention to present on this occasion some suggestions regarding internal improvements by the General Government, which want

of time at the close of the last session prevented my submitting on the return to the House of Representatives with objections of the bill entitled "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law;" but the space in this communication already occupied with other matter of immediate public exigency constrains me to reserve that subject for a special message, which will be transmitted to the two Houses of Congress at an early day.

The judicial establishment of the United States requires modification, and certain reforms in the manner of conducting the legal business of the Government are also much needed; but as I have addressed you upon both of these subjects at length before, I have only to call your attention to the suggestions then made.

My former recommendations in relation to suitable provision for various objects of deep interest to the inhabitants of the District of Columbia are renewed. Many of these objects partake largely of a national character, and are important independently of their relation to the prosperity of the only considerable organized community in the Union entirely unrepresented in Congress.

I have thus presented suggestions on such subjects as appear to me to be of particular interest or importance, and therefore most worthy of consideration during the short remaining period allotted to the labors of the present Congress.

Our forefathers of the thirteen united colonies, in acquiring their independence and in founding this Republic of the United States of America, have devolved upon us, their descendants, the greatest and the most noble trust ever committed to the hands of man, imposing upon all, and especially such as the public will may have invested for the time being with political functions, the most sacred obligations. We have to maintain inviolate the great doctrine of the inherent right of popular self-government; to reconcile the largest liberty of the individual citizen with complete security of the public order; to render cheerful obedience to the laws of the land, to unite in enforcing their execution, and to frown indignantly on all combinations to resist them; to harmonize a sincere and ardent devotion to the institutions of religious faith with the most universal religious toleration; to preserve the rights of all by causing each to respect those of the other; to carry forward every social improvement to the uttermost limit of human perfectibility, by the free action of mind upon mind, not by the obtrusive intervention of misapplied force; to uphold the integrity and guard the limitations of our organic law; to preserve sacred from all touch of usurpation, as the very palladium of our political salvation, the reserved rights and powers of the several States and of the people; to cherish with loyal fealty and devoted affection this Union, as the only sure foundation on which the hopes of civil liberty rest; to administer government with vigilant integrity and rigid economy; to cul-

tivate peace and friendship with foreign nations, and to demand and exact equal justice from all, but to do wrong to none; to eschew intermeddling with the national policy and the domestic repose of other governments, and to repel it from our own; never to shrink from war when the rights and the honor of the country call us to arms, but to cultivate in preference the arts of peace, seek enlargement of the rights of neutrality, and elevate and liberalize the intercourse of nations; and by such just and honorable means, and such only, whilst exalting the condition of the Republic, to assure to it the legitimate influence and the benign authority of a great example amongst all the powers of Christendom.

Under the solemnity of these convictions the blessing of Almighty God is earnestly invoked to attend upon your deliberations and upon all the counsels and acts of the Government, to the end that, with common zeal and common efforts, we may, in humble submission to the divine will, cooperate for the promotion of the supreme good of these United States.

FRANKLIN PIERCE.

SPECIAL MESSAGES.

WASHINGTON, *December 5, 1854.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to approval, a compact between the United States and the royal Government of Lew Chew, entered into at Napa on the 11th day of July last, for securing certain privileges to vessels of the United States resorting to the Lew Chew Islands.

A copy of the instructions of the Secretary of State upon the subject is also herewith transmitted.

FRANKLIN PIERCE.

WASHINGTON, *December 5, 1854.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for regulating the right of inheriting and acquiring property, concluded in this city on the 21st day of August last between the United States and His Highness the Duke of Brunswick and Luneburg.

FRANKLIN PIERCE.

WASHINGTON, *December 11, 1854.*

To the Senate and House of Representatives:

An act for the relief of the legal representatives of Samuel Prioleau, deceased, which provided for the payment of the sum of $6,928.60 to the legal representatives of said Prioleau by the proper accounting officer

of the Treasury, was approved by me July 27, 1854. It having been ascertained that the identical claim provided for in this act was liquidated and paid under the provisions of the general act of August 4, 1790, and of the special act of January 24, 1795, the First Comptroller of the Treasury declined to give effect to the law first above referred to without communicating the facts for my consideration. This refusal I regard as fully justified by the facts upon which it was predicated.

In view of the destruction of valuable papers by fire in the building occupied by the Treasury Department in 1814 and again in 1833, it is not surprising that cases like this should, more than seventy years after the transaction with which they were connected, be involved in much doubt. The report of the Comptroller, however, shows conclusively by record evidence still preserved in the Department and elsewhere that the sum of $6,122.44, with $3,918.36 interest thereon from the date of the destruction of the property, making the sum of $10,040.80, was allowed to Samuel Prioleau under the act for his relief passed in 1795.

That amount was reported by the Auditor to the Comptroller on the 4th day of February, 1795, to be funded as follows, to wit:

Two-thirds of $6,122.44, called 6 per cent stock	$4,081.63
One-third, called deferred stock	2,040.81
Interest on the principal, called 3 per cent stock	3,918.36
Total	10,040.80
On the books of the loan office of South Carolina, under date of April 27, 1795, is an entry showing that there was issued of the funded 6 per cent stock to Samuel Prioleau	4,081.63
Of the deferred stock	2,040.81
Of the 3 per cent stock	3,918.36
Total	10,040.80

On the ledger of said loan office an account was opened with Samuel Prioleau, in which he was credited with the three items of stock and deputed by the transfer of each certificate to certain persons named, under dates of May 20, 1795, August 24, 1795, and April 19, 1796.

These records show that the account of Samuel Prioleau, required to be settled by the act of January 28, 1795, was settled; that the value of the property destroyed was allowed; that the amount so found due was funded by said Prioleau and entered by his order on the loan-office books of South Carolina, and soon thereafter by him sold and transferred. That the entire funded debt of the United States was long since paid is matter of history.

It is apparent that the claim has been prosecuted under a misapprehension on the part of the present claimants.

I present the evidence in the case collected by the First Comptroller and embodied in his report for your consideration, together with a copy of a letter just received by that officer from the executor of P. G. Prioleau, and respectfully recommend the repeal of the act of July 27, 1854.

FRANKLIN PIERCE

WASHINGTON, *December 11, 1854.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying documents,* in compliance with the resolution of the House of Representatives of the 27th of July last.

FRANKLIN PIERCE.

WASHINGTON, *December 11, 1854.*

To the Senate:

I herewith transmit a communication from the Secretary of the Treasury, requesting authority to invest the sum of $6,561.80, received from the sales of lands in the Chickasaw cession, in stocks for the benefit of the Chickasaw national fund, as required by the eleventh article of the treaty with the Chickasaws of the 20th October, 1832, and the act of Congress of 11th September, 1841.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1854.*

To the Senate of the United States:

Herewith I transmit a report of the Secretary of State, with accompanying papers,† in answer to the resolution of the Senate of the 3d of August last.

FRANKLIN PIERCE.

WASHINGTON, *December 16, 1854.*

To the House of Representatives:

I transmit a report from the Secretary of State, with accompanying papers,‡ in answer to the resolution of the House of Representatives of the 27th of July last.

FRANKLIN PIERCE.

WASHINGTON, *December 18, 1854.*

To the House of Representatives:

I transmit a report from the Secretary of War, with accompanying papers, in answer to the resolution of the House of Representatives of the 2d of August last, requesting such information as may be in the possession of the War Department touching the cause of any difficulties which may have arisen between the Creek and Seminole Indians since their removal west of the Mississippi and other matters concerning the tribes.

FRANKLIN PIERCE.

* Correspondence of the American consul-general at Cairo relative to the expulsion of the Greeks from Egypt.

† Correspondence relative to difficulties between Rev. Jonas King and the Government of Greece.

‡ Relating to the case of Walter M. Gibson, held in duress by the Dutch authorities at Batavia, island of Java, on a charge of having attempted to excite the native chiefs of Sumatra to throw off their allegiance to the Dutch Government.

WASHINGTON, *December 20, 1854.*

To the Senate of the United States:

I herewith transmit to the Senate, for its constitutional action thereon, a treaty made at the Neosho Agency on the 12th August, 1854, by Andrew J. Dorn, commissioner on the part of the United States, and the chiefs and warriors of the Quapaw tribe of Indians.

FRANKLIN PIERCE.

WASHINGTON, *December 20, 1854.*

To the Senate of the United States:

I herewith transmit to the Senate, for its constitutional action thereon, a treaty made by Andrew J. Dorn, commissioner on the part of the United States, on the 23d of August, 1854, and the chiefs and warriors of the Senecas of Sandusky and the Senecas and Shawnees of Lewistown, designated by the treaty of 1832 as the United Nation of Seneca and Shawnee Indians.

FRANKLIN PIERCE.

WASHINGTON, *December 20, 1854.*

To the Senate of the United States:

I herewith transmit to the Senate, for its constitutional action thereon, a treaty made at La Pointe, Wis., on the 30th of September, 1854, by Henry C. Gilbert and David B. Harriman, commissioners on the part of the United States, and the chiefs and headmen of the Chippewas of Lake Superior and the Mississippi.

FRANKLIN PIERCE.

WASHINGTON, *December 26, 1854.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 5th instant, requesting me, if not incompatible with the public interests, to communicate to that body "copies of all instructions and correspondence between the different Departments of the Government and Major-General Wool, commanding the Pacific division of the Army, in regard to his operations on that coast," I transmit the accompanying documents.

FRANKLIN PIERCE.

[For message of December 30, 1854, giving an exposition of the reasons of the President for vetoing "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law," see pp. 257–271.]

WASHINGTON, D. C., *January 1, 1855.*

To the House of Representatives:

In response to the resolution of the House of Representatives of the 11th ultimo, requesting the President "to communicate to this House

any proposition which may have been made to the Government by the city authorities of Memphis relative to the navy-yard property recently ceded to that city, together with his views and those of the Navy Department as to the propriety of accepting the proposed re-cession and of reestablishing a naval depot and yard of construction at Memphis," I transmit herewith a report of the Secretary of the Navy, and have only to add my concurrence in the views by him presented.

FRANKLIN PIERCE.

WASHINGTON, *January 9, 1855.*

To the Senate of the United States:

I transmit herewith to the Senate, for its constitutional action thereon, an article of agreement and convention made and concluded on the 9th day of December, 1854, between the United States, by George Hepner, United States Indian agent, and the chiefs and headmen of the confederate tribes of Otoe and Missouria Indians, being a supplement to the treaty made between the United States and said confederate tribes on the 15th day of March, 1854.

FRANKLIN PIERCE.

WASHINGTON, *January 10, 1855.*

To the House of Representatives of the United States:

I transmit herewith a report of the Attorney-General, with the accompanying documents, communicating the information required by the following resolution of the House of Representatives, of the 28th ultimo:

Resolved, That the President of the United States be requested to communicate to this House any information possessed by him regarding a suit instituted in the Territory of Minnesota by or in the name of the United States against the Minnesota and Northwestern Railroad Company.

FRANKLIN PIERCE.

WASHINGTON, *January 11, 1855.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 3d instant, requesting "a statement of the names of the ministers, chargés d'affaires, and the secretaries of legation of the United States appointed since the 4th of March, 1849, together with the dates of their commissions, the time of the commencement of their compensation, of their departure for their posts, and of their entering upon their official duties thereat," I transmit the accompanying report from the Secretary of State.

FRANKLIN PIERCE.

WASHINGTON, *January 16, 1855.*

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of War upon the subject of Indian hostilities. The employment of volunteer troops, as suggested

by the Secretary, seems to afford the only practicable means of providing for the present emergency.

There is much reason to believe that other cases similar in character to those particularly referred to in the accompanying papers will at an early day require vigorous measures and the exhibition of a strong military force. The proposed temporary provision to meet a special demand, so far from obviating, in my judgment only serves to illustrate the urgent necessity of an increase of the Regular Army, at least to the extent recommended in my late annual message. Unless by the plan proposed, or some other equally effective, a force can be early brought into the field adequate to the suppression of existing hostilities, the combination of predatory bands will be extended and the difficulty of restoring order and security greatly magnified. On the other hand, without a permanent military force of sufficent strength to control the unfriendly Indians, it may be expected that hostilities will soon be renewed and that years of border warfare will afflict the country, retarding the progress of settlement, exposing emigrant trains to savage barbarities and consuming millions of the public money.

The state of things made known in various letters recently received at the War Department, extracts from a portion of which are herewith inclosed, is calculated to augment the deep solicitude which this matter has for some time past awakened, and which has been earnestly expressed in previous messages and in the annual reports of the Secretary of War.

I respectfully submit that the facts now communicated urgently call for immediate action on the part of Congress.

FRANKLIN PIERCE.

WASHINGTON, *January 17, 1855.*

To the Senate of the United States:

In further compliance with the resolution of the Senate of the 5th of December last, requesting copies of correspondence* between Major-General Wool and the different Departments of the Government, I transmit a report from the Secretary of State and the documents by which it was accompanied.

FRANKLIN PIERCE.

WASHINGTON, *January 19, 1855.*

To the House of Representatives:

In further compliance with the resolution of the House of Representatives of the 27th of July last, upon the subject of the case of Walter M. Gibson, I transmit a report from the Secretary of State.

FRANKLIN PIERCE.

* Relating to affairs on the Pacific Coast.

WASHINGTON, *January 19, 1855.*

To the Senate of the United States:

I communicate to the Senate herewith a letter from the Secretary of the Interior, dated the 18th instant, covering a communication from the Commissioner of Indian Affairs, with accompanying papers, and asking that certain appropriations be made for the service of the Indian Department.

FRANKLIN PIERCE.

WASHINGTON, *January 22, 1855.*

To the Senate and House of Representatives of the United States:

I communicate to Congress herewith a communication of this date from the Secretary of the Interior, with accompanying papers, and recommend that the appropriation* therein asked for be made.

FRANKLIN PIERCE.

WASHINGTON, *January 24, 1855.*

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of the Interior and the Postmaster-General, together with accompanying documents, communicating what has been done in execution of the act of Congress of August 2, 1854, entitled "An act to provide for the accommodation of the courts of the United States in the cities of New York and Philadelphia."

I have deemed it best under the circumstances not to enter into contracts for the purchase of sites, but to submit all proposals made, in response to public advertisement for several weeks in the principal newspapers in each of the cities designated, to Congress, for such action as it may deem proper to take in fulfillment of the original design of the before-mentioned act.

FRANKLIN PIERCE.

WASHINGTON, *January 29, 1855.*

To the Senate and House of Representatives of the United States:

I transmit to Congress herewith a communication of this date from the Secretary of the Interior, with accompanying papers, and recommend that the appropriations therein asked for be made.

I avail myself of the occasion to suggest a modification of existing laws, with a view to enable me more effectually to carry into execution the treaties with the different Indian tribes in Kansas Territory.

With an earnest desire to promote the early settlement of the ceded lands, as well as those held in trust and to be sold for the benefit of the Indians, I shall exercise all the power intrusted to me to maintain strictly and in good faith our treaty obligations.

* For payment of interest due the Cherokee Indians.

I respectfully recommend that provisions be made by law requiring the lands which are to be sold on account of the Indians by the Government to be appraised and classified; a minimum price to be fixed, for a less sum than which no sales shall be made without further provision of law; and authorizing the sale of the lands in such quantities and at such times and places as the obligations of the Government, the rights of the Indian tribes, and the public interest, with reference to speedy settlement, may render expedient.

FRANKLIN PIERCE.

WASHINGTON, *January 30, 1855.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 6th of December last, requesting the President "to communicate to the Senate, if in his opinion not incompatible with the public interest, the instructions, correspondence, and other documents relating to the naval expedition to Japan, and the proceedings and negotiations resulting in a treaty with the Government thereof," I transmit the inclosed report from the Secretary of the Navy, with the accompanying documents.

FRANKLIN PIERCE.

WASHINGTON, *February 1, 1855.*

To the Senate of the United States:

I transmit to the Senate, with a view to ratification, a convention which was concluded between the United States and Mexico at the City of Mexico on the 8th day of January last.

FRANKLIN PIERCE.

WASHINGTON, *February 4, 1855.*

To the Senate and House of Representatives of the United States:

I communicate to Congress herewith, for its consideration, the accompanying papers from the Secretary of the Interior, on the subject of the proviso of the act of July 31, 1854, in relation to the removal of the California Indians.

FRANKLIN PIERCE.

WASHINGTON, *February 4, 1855.*

To the Senate and House of Representatives of the United States:

I communicate to Congress the accompanying papers* from the Secretary of the Interior, and recommend that the appropriations therein asked for may be made.

FRANKLIN PIERCE.

* Relating to the expenses necessary to be incurred in colonizing the Texas Indians.

WASHINGTON, *February 5, 1855.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, articles of agreement and convention made and concluded at the city of Washington on the 31st day of January, 1855, by George W. Manypenny, as commissioner on the part of the United States, and the chiefs and delegates of the Wyandott tribe of Indians.

FRANKLIN PIERCE.

WASHINGTON, *February 6, 1855.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 11th ultimo, in relation to the case of Francis W. Rice,* late United States consul at Acapulco, I transmit a report from the Secretary of State, with the accompanying documents.

FRANKLIN PIERCE

WASHINGTON, *February 6, 1855.*

To the House of Representatives:

I transmit herewith a report† from the Secretary of State, in answer to the resolution of the House of Representatives of the 27th ultimo.

FRANKLIN PIERCE.

WASHINGTON, *February 7, 1855.*

To the Senate of the United States:

I transmit to the Senate, for its advice with regard to ratification, a convention for the mutual extradition of fugitives from justice in certain cases between the United States and His Majesty the King of Hanover, signed by the plenipotentiaries of the two Governments at London on the 18th of January last. An extract from a dispatch of Mr. Buchanan to the Secretary of State relative to the convention is also herewith communicated.

FRANKLIN PIERCE.

WASHINGTON, *February 7, 1855.*

To the Senate and House of Representatives of the United States:

I communicate to Congress herewith a letter and accompanying papers from the Secretary of the Interior, of the 5th instant, on the subject of the colonization of the Indians in the State of California, and recommend that the appropriation therein asked for may be made.

FRANKLIN PIERCE.

*Arrested and imprisoned at Acapulco, Mexico.

†Stating that the information relative to the applicability to the Spanish colonies of the treaty of 1795 with Spain, and whether American citizens residing in said colonies are entitled to the benefits of its provisions, had been already transmitted

WASHINGTON, *February 7, 1855.*

To the Senate and House of Representatives of the United States:

I communicate to Congress the accompanying letter from the Secretary of the Interior, with its inclosure, on the subject of a treaty between the United States and the Chippewa Indians of Lake Superior, and recommend that the appropriation therein asked for may be made.

FRANKLIN PIERCE.

WASHINGTON, *February 9, 1855.*

To the Senate of the United States:

I communicate to the Senate herewith a report from the Secretary of the Treasury, and also one from the Secretary of the Interior, with accompanying papers, containing information called for by the resolution adopted by the Senate on the 30th ultimo, respecting the advance of public moneys to the marshal of the United States for the western district of Arkansas.

FRANKLIN PIERCE.

WASHINGTON, *February 9, 1855.*

To the Senate of the United States:

I herewith communicate to the Senate, for its constitutional action thereon, the articles of convention and agreement between the Choctaw and Chickasaw tribes of Indians made on the 4th day of November, 1854, at Doaksville, near Fort Towson, Choctaw Nation.

FRANKLIN PIERCE.

WASHINGTON, *February 12, 1855.*

To the Senate of the United States:

The resolution of the Senate of the 11th of December last, requesting a copy of the official correspondence relative to the late difficulties between the consul of France at San Francisco and the authorities of the United States in California, has been under consideration, and it was hoped that the negotiations on the subject might have been brought to a close, so as to have obviated any objection to a compliance with the resolution at this session of Congress. Those negotiations, however, are still pending, but I entertain a confident expectation that the affair will be definitely and satisfactorily adjusted prior to the next session.

FRANKLIN PIERCE.

WASHINGTON, *February 14, 1855.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Majesty the King

of the Netherlands, upon the subject of the admission of the United States consuls into the ports of the Dutch colonies.

FRANKLIN PIERCE.

WASHINGTON, *February 14, 1855.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Majesty the King of the Kingdom of the Two Sicilies, relative to the rights of neutrals during war.

FRANKLIN PIERCE.

WASHINGTON, *February 17, 1855.*

To the Senate and House of Representatives of the United States:

I communicate herewith a letter* of the Secretary of the Interior and accompanying paper, for the consideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *February 19, 1855.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, a treaty made on the 15th day of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River Indians in Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, *February 19, 1855.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, a treaty made by Isaac I. Stevens, governor and superintendent of Indian affairs in Washington Territory, on the part of the United States, and the chiefs, headmen, and delegates of the Nesqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Ste'h-chass, F'peeksin, Squi-aitl, and Sa-heh-wamish tribes and bands of Indians occupying the lands lying around the head of Pugets Sound and the adjacent inlets in Washington Territory.

FRANKLIN PIERCE.

WASHINGTON, *February 19, 1855.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, two treaties, one made on the 18th day of November, 1854, by Joel Palmer,

* Recommending an appropriation to supply a deficit in the amount held on Indian account, caused by the failure of Selden, Withers & Co., with whom it was deposited.

superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Quil-si-eton and Na-hel-ta bands of the Chasta tribe of Indians, the Cow-non-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotans, and the Grave Creek band of Umpqua Indians in Oregon Territory; the other, made on the 29th of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the confederated bands of the Umpqua tribe of Indians and the Calaponas, residing in Umpqua Valley, Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, *February 21, 1855.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a communication of this date from the Secretary of the Interior, with the accompanying paper, and recommend that the appropriation* therein asked for be made.

FRANKLIN PIERCE.

WASHINGTON, *February 22, 1855.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 21st instant, I transmit a report from the Secretary of State, inclosing a copy of the letter† addressed to the Department of State on the 17th November, 1852, by Mr. Joaquin J. de Osma, envoy extraordinary and minister plenipotentiary of the Republic of Peru.

FRANKLIN PIERCE.

WASHINGTON, *February 23, 1855.*

To the Senate and House of Representatives of the United States:

I communicate to Congress herewith a communication of this date from the Secretary of the Interior, with accompanying estimates, and recommend that the appropriation‡ therein asked for be made.

FRANKLIN PIERCE.

WASHINGTON, *February 24, 1855.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 22d instant, I transmit a report from the Secretary of State, together with the copy of a communication from Francis W. Rice,§ therein referred to.

FRANKLIN PIERCE.

*For extending and improving the culvert running from the United States Capitol Grounds down the center of South Capitol street toward the canal.

†Proposing a settlement of the Lobos Islands controversy.

‡To fulfill treaty stipulations with the Wyandotte Indians.

§Late United States consul at Acapulco, relative to outrages committed upon him by authorities of Mexico.

WASHINGTON, *February 26, 1855.*

To the Senate of the United States:

I transmit herewith a report of the Secretary of the Navy, in compliance with a resolution of the Senate of the 20th instant, requesting the President "to communicate to the Senate a copy of the order issued by the Navy Department to the officer in command of the Home Squadron in pursuance of which the United States sloop of war *Albany* was ordered on her last cruise to Carthagena and Aspinwall, etc.; also of the orders given by such officer to Commander Gerry to proceed upon such cruise, and also of any reports or letters from the captain of the *Albany* on the necessity of repairs to said vessel."

FRANKLIN PIERCE.

WASHINGTON, *February 27, 1855.*

To the Senate and House of Representatives of the United States:

I transmit to Congress herewith a communication of this date from the Secretary of the Interior, and recommend that the appropriation* therein asked for be made.

FRANKLIN PIERCE.

WASHINGTON, *February 27, 1855.*

To the Senate and House of Representatives of the United States:

I communicate herewith, for the consideration of Congress, a letter of this date from the Secretary of the Interior, and accompanying paper, recommending certain appropriations† on account of the Indian service.

FRANKLIN PIERCE.

WASHINGTON, *February 27, 1855.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, a treaty made in this city on the 22d instant between the United States and the Mississippi, the Pillager, and the Lake Winnibigoshish bands of Chippewa Indians.

FRANKLIN PIERCE.

WASHINGTON, *February 28, 1855.*

To the Senate of the United States:

For eminent services in the late war with Mexico, I nominate Major-General Winfield Scott, of the Army of the United States, to be lieutenant-general by brevet in the same, to take rank as such from March

* For surveying public lands in the northern part of Minnesota Territory acquired from the Chippewa Indians.

† For running the boundary line between the Chickasaw and Choctaw nations of Indians and for negotiations with the Menominee Indians.

29, 1847, the day on which the United States forces under his command captured Vera Cruz and the castle of San Juan de Ulua.

FRANKLIN PIERCE.

WASHINGTON, *February 28, 1855.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, a treaty made and concluded in this city on the 27th day of February, 1855, between George W. Manypenny, commissioner on the part of the United States, and the chiefs and delegates of the Winnebago tribe of Indians.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1855.*

To the Senate and House of Representatives of the United States:

I communicate to Congress herewith a copy of an act of the legislature of the State of Texas, approved the 11th of February, 1854, making partial provision for running and marking the boundary line between the said State and the territories of the United States from the point where the said line leaves the Red River to its intersection with the Rio Grande, and appropriating $10,000 toward carrying the same into effect, when the United States shall have made provision by the enactment of a law for the appointment of the necessary officers to join in the execution of said survey.

It will be perceived from the accompanying papers that the early demarcation of said boundary line is urgently desired on the part of Texas, and, acquiescing in the importance thereof, I recommend that provision be made by law for the appointment of officers to act in conjunction with those to be appointed by the State of Texas, and that the sum of $10,000 at least be appropriated for the payment of their salaries and necessary incidental expenses.

FRANKLIN PIERCE.

WASHINGTON, *March 2, 1855.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, the articles of a treaty negotiated on the 4th of January, 1855, between Joel Palmer, superintendent of Indian affairs in Oregon, and the chiefs of certain confederated tribes of Indians residing in the Willamette Valley of Oregon.

FRANKLIN PIERCE.

EXECUTIVE MANSION, *March 2, 1855.*

To the Senate of the United States:

I herewith submit a report of the Secretary of War, containing all the information that can now be furnished in reply to the resolution of the Senate of the 28th ultimo, requesting "a statement of the number

of muskets, rifles, and other arms and equipments delivered to the State arsenals, respectively, the number remaining on hand, and the number sold and accounted for; also, the date and amount of such sales."

FRANKLIN PIERCE.

WASHINGTON, *March 2, 1855.*

To the Senate and House of Representatives of the United States:

I transmit to Congress herewith a communication of this date from the Secretary of the Interior, with accompanying papers,* and recommend that the appropriations therein asked for be made.

FRANKLIN PIERCE.

WASHINGTON, *March 2, 1855.*

To the Senate and House of Representatives of the United States:

I transmit to Congress herewith a communication of this date from the Secretary of the Interior, with its inclosure,† and recommend that the appropriations therein asked for be made.

FRANKLIN PIERCE.

WASHINGTON, *March 3, 1855.*

To the House of Representatives:

I transmit herewith to the House of Representatives a report from the Secretary of State, with accompanying documents,‡ in answer to their resolutions of the 30th of January and 23d February last.

FRANKLIN PIERCE.

VETO MESSAGES.

WASHINGTON, *February 17, 1855.*

To the House of Representatives:

I have received and carefully considered the bill entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801," and in the discharge of a duty imperatively enjoined on me by the Constitution I return the same with my objections to the House of Representatives, in which it originated.

In the organization of the Government of the United States the legislative and executive functions were separated and placed in distinct

*Estimates of appropriations necessary for carrying out the bounty-land law.

†Additional estimate of appropriations necessary for pay of Indian agents.

‡Correspondence relative to the causes disturbing the friendly relations between Spain and the United States and instructions to United States diplomatic agents relative to the same; correspondence relative to Cuba, etc.

hands. Although the President is required from time to time to recommend to the consideration of Congress such measures as he shall judge necessary and expedient, his participation in the formal business of legislation is limited to the single duty, in a certain contingency, of demanding for a bill a particular form of vote prescribed by the Constitution before it can become a law. He is not invested with power to defeat legislation by an absolute veto, but only to restrain it, and is charged with the duty, in case he disapproves a measure, of invoking a second and a more deliberate and solemn consideration of it on the part of Congress. It is not incumbent on the President to sign a bill as a matter of course, and thus merely to authenticate the action of Congress, for he must exercise intelligent judgment or be faithless to the trust reposed in him. If he approve a bill, he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated for such further action as the Constitution demands, which is its enactment, if at all, not by a bare numerical majority, as in the first instance, but by a constitutional majority of two-thirds of both Houses.

While the Constitution thus confers on the legislative bodies the complete power of legislation in all cases, it proceeds, in the spirit of justice, to provide for the protection of the responsibility of the President. It does not compel him to affix the signature of approval to any bill unless it actually have his approbation; for while it requires him to sign if he approve, it, in my judgment, imposes upon him the duty of withholding his signature if he do not approve. In the execution of his official duty in this respect he is not to perform a mere mechanical part, but is to decide and act according to conscientious convictions of the rightfulness or wrongfulness of the proposed law. In a matter as to which he is doubtful in his own mind he may well defer to the majority of the two Houses. Individual members of the respective Houses, owing to the nature, variety, and amount of business pending, must necessarily rely for their guidance in many, perhaps most, cases, when the matters involved are not of popular interest, upon the investigation of appropriate committees, or, it may be, that of a single member, whose attention has been particularly directed to the subject. For similar reasons, but even to a greater extent, from the number and variety of subjects daily urged upon his attention, the President naturally relies much upon the investigation had and the results arrived at by the two Houses, and hence those results, in large classes of cases, constitute the basis upon which his approval rests. The President's responsibility is to the whole people of the United States, as that of a Senator is to the people of a particular State, that of a Representative to the people of a State or district; and it may be safely assumed that he will not resort to the clearly defined and limited power of arresting legislation and calling for reconsideration of any measure except in obedience to requirements of duty. When, however, he entertains a decisive and fixed conclusion, not merely of the

unconstitutionality, but of the impropriety, or injustice in other respects, of any measure, if he declare that he approves it he is false to his oath, and he deliberately disregards his constitutional obligations.

I cheerfully recognize the weight of authority which attaches to the action of a majority of the two Houses. But in this case, as in some others, the framers of our Constitution, for wise considerations of public good, provided that nothing less than a two-thirds vote of one or both of the Houses of Congress shall become effective to bind the coordinate departments of the Government, the people, and the several States. If there be anything of seeming invidiousness in the official right thus conferred on the President, it is in appearance only, for the same right of approving or disapproving a bill, according to each one's own judgment, is conferred on every member of the Senate and of the House of Representatives.

It is apparent, therefore, that the circumstances must be extraordinary which would induce the President to withhold approval from a bill involving no violation of the Constitution. The amount of the claims proposed to be discharged by the bill before me, the nature of the transactions in which those claims are alleged to have originated, the length of time during which they have occupied the attention of Congress and the country, present such an exigency. Their history renders it impossible that a President who has participated to any considerable degree in public affairs could have failed to form respecting them a decided opinion upon what he would deem satisfactory grounds. Nevertheless, instead of resting on former opinions, it has seemed to me proper to review and more carefully examine the whole subject, so as satisfactorily to determine the nature and extent of my obligations in the premises.

I feel called upon at the threshold to notice an assertion, often repeated, that the refusal of the United States to satisfy these claims in the manner provided by the present bill rests as a stain on the justice of our country. If it be so, the imputation on the public honor is aggravated by the consideration that the claims are coeval with the present century, and it has been a persistent wrong during that whole period of time. The allegation is that private property has been taken for public use without just compensation, in violation of express provision of the Constitution, and that reparation has been withheld and justice denied until the injured parties have for the most part descended to the grave. But it is not to be forgotten or overlooked that those who represented the people in different capacities at the time when the alleged obligations were incurred, and to whom the charge of injustice attaches in the first instance, have also passed away and borne with them the special information which controlled their decision and, it may be well presumed, constituted the justification of their acts.

If, however, the charge in question be well founded, although its admission would inscribe on our history a page which we might desire

most of all to obliterate, and although, if true, it must painfully disturb our confidence in the justice and the high sense of moral and political responsibility of those whose memories we have been taught to cherish with so much reverence and respect, still we have only one course of action left to us, and that is to make the most prompt and ample reparation in our power and consign the wrong as far as may be to forgetfulness.

But no such heavy sentence of condemnation should be lightly passed upon the sagacious and patriotic men who participated in the transactions out of which these claims are supposed to have arisen, and who, from their ample means of knowledge of the general subject in its minute details and from their official position, are peculiarly responsible for whatever there is of wrong or injustice in the decisions of the Government.

Their justification consists in that which constitutes the objection to the present bill, namely, the absence of any indebtedness on the part of the United States. The charge of denial of justice in this case, and consequent stain upon our national character, has not yet been indorsed by the American people. But if it were otherwise, this bill, so far from relieving the past, would only stamp on the present a more deep and indelible stigma. It admits the justice of the claims, concedes that payment has been wrongfully withheld for fifty years, and then proposes not to pay them, but to compound with the public creditors by providing that, whether the claims shall be presented or not, whether the sum appropriated shall pay much or little of what shall be found due, the law itself shall constitute a perpetual bar to all future demands. This is not, in my judgment, the way to atone for wrongs if they exist, nor to meet subsisting obligations.

If new facts, not known or not accessible during the Administration of Mr. Jefferson, Mr. Madison, or Mr. Monroe, had since been brought to light, or new sources of information discovered, this would greatly relieve the subject of embarrassment. But nothing of this nature has occurred.

That those eminent statesmen had the best means of arriving at a correct conclusion no one will deny. That they never recognized the alleged obligation on the part of the Government is shown by the history of their respective Administrations. Indeed, it stands not as a matter of controlling authority, but as a fact of history, that these claims have never since our existence as a nation been deemed by any President worthy of recommendation to Congress.

Claims to payment can rest only on the plea of indebtedness on the part of the Government. This requires that it should be shown that the United States have incurred liability to the claimants, either by such acts as deprived them of their property or by having actually taken it for public use without making just compensation for it.

The first branch of the proposition—that on which an equitable claim to be indemnified by the United States for losses sustained might rest—requires at least a cursory examination of the history of the transactions on which the claims depend. The first link which in the chain of events arrests attention is the treaties of alliance and of amity and commerce between the United States and France negotiated in 1778. By those treaties peculiar privileges were secured to the armed vessels of each of the contracting parties in the ports of the other, the freedom of trade was greatly enlarged, and mutual obligations were incurred by each to guarantee to the other their territorial possessions in America.

In 1792–93, when war broke out between France and Great Britain, the former claimed privileges in American ports which our Government did not admit as deducible from the treaties of 1778, and which it was held were in conflict with obligations to the other belligerent powers. The liberal principle of one of the treaties referred to—that free ships make free goods, and that subsistence and supplies were not contraband of war unless destined to a blockaded port—was found, in a commercial view, to operate disadvantageously to France as compared with her enemy, Great Britain, the latter asserting, under the law of nations, the right to capture as contraband supplies when bound for an enemy's port.

Induced mainly, it is believed, by these considerations, the Government of France decreed on the 9th of May, 1793, the first year of the war, that "the French people are no longer permitted to fulfill toward the neutral powers in general the vows they have so often manifested, and which they constantly make for the full and entire liberty of commerce and navigation," and, as a counter measure to the course of Great Britain, authorized the seizure of neutral vessels bound to an enemy's port in like manner as that was done by her great maritime rival. This decree was made to act retrospectively, and to continue until the enemies of France should desist from depredations on the neutral vessels bound to the ports of France. Then followed the embargo, by which our vessels were detained in Bordeaux; the seizure of British goods on board of our ships, and of the property of American citizens under the pretense that it belonged to English subjects, and the imprisonment of American citizens captured on the high seas.

Against these infractions of existing treaties and violations of our rights as a neutral power we complained and remonstrated. For the property of our injured citizens we demanded that due compensation should be made, and from 1793 to 1797 used every means, ordinary and extraordinary, to obtain redress by negotiation. In the last-mentioned year these efforts were met by a refusal to receive a minister sent by our Government with special instructions to represent the amicable disposition of the Government and people of the United States and their desire to remove jealousies and to restore confidence by showing that the complaints against them

were groundless. Failing in this, another attempt to adjust all differences between the two Republics was made in the form of an extraordinary mission, composed of three distinguished citizens, but the refusal to receive was offensively repeated, and thus terminated this last effort to preserve peace and restore kind relations with our early friend and ally, to whom a debt of gratitude was due which the American people have never been willing to depreciate or to forget. Years of negotiation had not only failed to secure indemnity for our citizens and exemption from further depredation, but these long-continued efforts had brought upon the Government the suspension of diplomatic intercourse with France and such indignities as to induce President Adams, in his message of May 16, 1797, to Congress, convened in special session, to present it as the particular matter for their consideration and to speak of it in terms of the highest indignation. Thenceforward the action of our Government assumed a character which clearly indicates that hope was no longer entertained from the amicable feeling or justice of the Government of France, and hence the subsequent measures were those of force.

On the 28th of May, 1798, an act was passed for the employment of the Navy of the United States against "armed vessels of the Republic of France," and authorized their capture if "found hovering on the coast of the United States for the purpose of committing depredations on the vessels belonging to the citizens thereof;" on the 18th of June, 1798, an act was passed prohibiting commercial intercourse with France under the penalty of the forfeiture of the vessels so employed; on the 25th of June, the same year, an act to arm the merchant marine to oppose searches, capture aggressors, and recapture American vessels taken by the French; on the 28th of June, same year, an act for the condemnation and sale of French vessels captured by authority of the act of 28th of May preceding; on the 27th of July, same year, an act abrogating the treaties and the convention which had been concluded between the United States and France, and declaring "that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States;" on the 9th of the same month an act was passed which enlarged the limits of the hostilities then existing by authorizing our public vessels to capture armed vessels of France wherever found upon the high seas, and conferred power on the President to issue commissions to private armed vessels to engage in like service.

These acts, though short of a declaration of war, which would put all the citizens of each country in hostility with those of the other, were, nevertheless, actual war, partial in its application, maritime in its character, but which required the expenditure of much of our public treasure and much of the blood of our patriotic citizens, who, in vessels but little suited to the purposes of war, went forth to battle on the high seas for the rights and security of their fellow-citizens and to repel indignities offered to the national honor.

It is not, then, because of any failure to use all available means, diplomatic and military, to obtain reparation that liability for private claims can have been incurred by the United States, and if there is any pretense for such liability it must flow from the action, not from the neglect, of the United States. The first complaint on the part of France was against the proclamation of President Washington of April 22, 1793. At that early period in the war which involved Austria, Prussia, Sardinia, the United Netherlands, and Great Britain on the one part and France on the other, the great and wise man who was the Chief Executive, as he was and had been the guardian of our then infant Republic, proclaimed that "the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers." This attitude of neutrality, it was pretended, was in disregard of the obligations of alliance between the United States and France. And this, together with the often-renewed complaint that the stipulations of the treaties of 1778 had not been observed and executed by the United States, formed the pretext for the series of outrages upon our Government and its citizens which finally drove us to seek redress and safety by an appeal to force. The treaties of 1778, so long the subject of French complaints, are now understood to be the foundation upon which are laid these claims of indemnity from the United States for spoliations committed by the French prior to 1800. The act of our Government which abrogated not only the treaties of 1778, but also the subsequent consular convention of 1788, has already been referred to, and it may be well here to inquire what the course of France was in relation thereto. By the decrees of 9th of May, 1793, 7th of July, 1796, and 2d of March, 1797, the stipulations which were then and subsequently most important to the United States were rendered wholly inoperative. The highly injurious effects which these decrees are known to have produced show how vital were the provisions of treaty which they violated, and make manifest the incontrovertible right of the United States to declare, as the consequence of these acts of the other contracting party, the treaties at an end.

The next step in this inquiry is whether the act declaring the treaties null and void was ever repealed, or whether by any other means the treaties were ever revived so as to be either the subject or the source of national obligation. The war which has been described was terminated by the treaty of Paris of 1800, and to that instrument it is necessary to turn to find how much of preexisting obligations between the two Governments outlived the hostilities in which they had been engaged. By the second article of the treaty of 1800 it was declared that the ministers plenipotentiary of the two parties not being able to agree respecting the treaties of alliance, amity, and commerce of 1778 and the convention of 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and until they

shall have agreed upon these points the said treaties and convention shall have no operation.

When the treaty was submitted to the Senate of the United States, the second article was disagreed to and the treaty amended by striking it out and inserting a provision that the convention then made should continue in force eight years from the date of ratification, which convention, thus amended, was accepted by the First Consul of France, with the addition of a note explanatory of his construction of the convention, to the effect that by the retrenchment of the second article the two States renounce the respective pretensions which were the object of the said article.

It will be perceived by the language of the second article, as originally framed by the negotiators, that they had found themselves unable to adjust the controversies on which years of diplomacy and of hostilities had been expended, and that they were at last compelled to postpone the discussion of those questions to that most indefinite period, a "convenient time." All, then, of these subjects which was revived by the convention was the right to renew, when it should be convenient to the parties, a discussion which had already exhausted negotiation, involved the two countries in a maritime war, and on which the parties had approached no nearer to concurrence than they were when the controversy began.

The obligations of the treaties of 1778 and the convention of 1788 were mutual, and estimated to be equal. But however onerous they may have been to the United States, they had been abrogated, and were not revived by the convention of 1800, but expressly spoken of as suspended until an event which could only occur by the pleasure of the United States. It seems clear, then, that the United States were relieved of no obligation to France by the retrenchment of the second article of the convention, and if thereby France was relieved of any valid claims against her the United States received no consideration in return, and that if private property was taken by the United States from their own citizens it was not for public use. But it is here proper to inquire whether the United States did relieve France from valid claims against her on the part of citizens of the United States, and did thus deprive them of their property.

The complaints and counter complaints of the two Governments had been that treaties were violated and that both public and individual rights and interests had been sacrificed. The correspondence of our ministers engaged in negotiations, both before and after the convention of 1800, sufficiently proves how hopeless was the effort to obtain full indemnity from France for injuries inflicted on our commerce from 1793 to 1800, unless it should be by an account in which the rival pretensions of the two Governments should each be acknowledged and the balance struck between them.

It is supposable, and may be inferred from the contemporaneous history

as probable, that had the United States agreed in 1800 to revive the treaties of 1778 and 1788 with the construction which France had placed upon them, that the latter Government would, on the other hand, have agreed to make indemnity for those spoliations which were committed under the pretext that the United States were faithless to the obligations of the alliance between the two countries.

Hence the conclusion that the United States did not sacrifice private rights or property to get rid of public obligations, but only refused to reassume public obligations for the purpose of obtaining the recognition of the claims of American citizens on the part of France.

All those claims which the French Government was willing to admit were carefully provided for elsewhere in the convention, and the declaration of the First Consul, which was appended in his additional note, had no other application than to the claims which had been mutually made by the Governments, but on which they had never approximated to an adjustment. In confirmation of the fact that our Government did not intend to cease from the prosecution of the just claims of our citizens against France, reference is here made to the annual message of President Jefferson of December 8, 1801, which opens with expressions of his gratification at the restoration of peace among sister nations; and, after speaking of the assurances received from all nations with whom we had principal relations and of the confidence thus inspired that our peace with them would not have been disturbed if they had continued at war with each other, he proceeds to say:

> But a cessation of irregularities which had affected the commerce of neutral nations, and of the irritations and injuries produced by them, can not but add to this confidence, and strengthens at the same time the hope that wrongs committed on unoffending friends under a pressure of circumstances will now be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurance for the future.

The zeal and diligence with which the claims of our citizens against France were prosecuted appear in the diplomatic correspondence of the three years next succeeding the convention of 1800, and the effect of these efforts is made manifest in the convention of 1803, in which provision was made for payment of a class of cases the consideration of which France had at all previous periods refused to entertain, and which are of that very class which it has been often assumed were released by striking out the second article of the convention of 1800. This is shown by reference to the preamble and to the fourth and fifth articles of the convention of 1803, by which were admitted among the debts due by France to citizens of the United States the amounts chargeable for "prizes made at sea in which the appeal has been properly lodged within the time mentioned in the said convention of the 30th of September, 1800;" and this class was further defined to be only "captures of which the council of prizes shall have ordered restitution, it being

well understood that the claimant can not have recourse to the United States otherwise than he might have had to the French Republic, and only in case of the insufficiency of the captors."

If, as was affirmed on all hands, the convention of 1803 was intended to close all questions between the Governments of France and the United States, and 20,000,000 francs were set apart as a sum which might exceed, but could not fall short of, the debts due by France to the citizens of the United States, how are we to reconcile the claim now presented with the estimates made by those who were of the time and immediately connected with the events, and whose intelligence and integrity have in no small degree contributed to the character and prosperity of the country in which we live? Is it rational to assume that the claimants who now present themselves for indemnity by the United States represent debts which would have been admitted and paid by France but for the intervention of the United States? And is it possible to escape from the effect of the voluminous evidence tending to establish the fact that France resisted all these claims; that it was only after long and skillful negotiation that the agents of the United States obtained the recognition of such of the claims as were provided for in the conventions of 1800 and 1803? And is it not conclusive against any pretensions of possible success on the part of the claimants, if left unaided to make their applications to France, that the only debts due to American citizens which have been paid by France are those which were assumed by the United States as part of the consideration in the purchase of Louisiana?

There is little which is creditable either to the judgment or patriotism of those of our fellow-citizens who at this day arraign the justice, the fidelity, or love of country of the men who founded the Republic in representing them as having bartered away the property of individuals to escape from public obligations, and then to have withheld from them just compensation. It has been gratifying to me in tracing the history of these claims to find that ample evidence exists to refute an accusation which would impeach the purity, the justice, and the magnanimity of the illustrious men who guided and controlled the early destinies of the Republic.

I pass from this review of the history of the subject, and, omitting many substantial objections to these claims, proceed to examine somewhat more closely the only grounds upon which they can by possibility be maintained.

Before entering on this it may be proper to state distinctly certain propositions which it is admitted on all hands are essential to prove the obligations of the Government.

First. That at the date of the treaty of September 30, 1800, these claims were valid and subsisting as against France.

Second. That they were released or extinguished by the United States in that treaty and by the manner of its ratification.

Third. That they were so released or extinguished for a consideration valuable to the Government, but in which the claimants had no more interest than any other citizens.

The convention between the French Republic and the United States of America signed at Paris on the 30th day of September, 1800, purports in the preamble to be founded on the equal desire of the First Consul (Napoleon Bonaparte) and the President of the United States to terminate the differences which have arisen between the two States. It declares, in the first place, that there shall be firm, inviolable, and universal peace and a true and sincere friendship between the French Republic and the United States. Next it proceeds, in the second, third, fourth, and fifth articles, to make provision in sundry respects, having reference to past differences and the transition from the state of war between the two countries to that of general and permanent peace. Finally, in the residue of the twenty-seventh article, it stipulates anew the conditions of amity and intercourse, commercial and political, thereafter to exist, and, of course, to be substituted in place of the previous conditions of the treaties of alliance and of commerce and the consular convention, which are thus tacitly but unequivocally recognized as no longer in force, but in effect abrogated, either by the state of war or by the political action of the two Republics.

Except in so far as the whole convention goes to establish the fact that the previous treaties were admitted on both sides to be at an end, none of the articles are directly material to the present question save the following:

ART. II. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

* * * * * * *

ART. V. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted, in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

On this convention being submitted to the Senate of the United States, they consented and advised to its ratification with the following proviso:

Provided, That the second article be expunged, and that the following article be added or inserted: It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications.

The spirit and purpose of this change are apparent and unmistakable. The convention as signed by the respective plenipotentiaries did not adjust all the points of controversy. Both nations, however, desired the

restoration of peace. Accordingly, as to those matters in the relations of the two countries concerning which they could agree, they did agree for the time being; and as to the rest, concerning which they could not agree, they suspended and postponed further negotiation.

They abandoned no pretensions, they relinquished no right on either side, but simply adjourned the question until "a convenient time." Meanwhile, and until the arrival of such convenient time, the relations of the two countries were to be regulated by the stipulations of the convention.

Of course the convention was on its face a temporary and provisional one, but in the worst possible form of prospective termination. It was to cease at a convenient time. But how should that convenient time be ascertained? It is plain that such a stipulation, while professedly not disposing of the present controversy, had within itself the germ of a fresh one, for the two Governments might at any moment fall into dispute on the question whether that convenient time had or had not arrived. The Senate of the United States anticipated and prevented this question by the only possible expedient; that is, the designation of a precise date. This being done, the remaining parts of the second article became superfluous and useless, for as all the provisions of the convention would expire in eight years, it would necessarily follow that negotiations must be renewed within that period, more especially as the operation of the amendment which covered the whole convention was that even the stipulation of peace in the first article became temporary and expired in eight years, whereas that article, and that article alone, was permanent according to the original tenor of the convention.

The convention thus amended, being submitted to the First Consul, was ratified by him, his act of acceptance being accompanied with the following declaratory note:

> The Government of the United States having added in its ratification that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention with the addition importing that the convention shall be in force for the space of eight years and with the retrenchment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretensions which are the object of the said article.

The convention, as thus ratified by the First Consul, having been again submitted to the Senate of the United States, that body resolved that "they considered the convention as fully ratified," and returned the same to the President for promulgation, and it was accordingly promulgated in the usual form by President Jefferson.

Now it is clear that in simply resolving that "they considered the convention as fully ratified" the Senate did in fact abstain from any express declaration of dissent or assent to the construction put by the First Consul on the retrenchment of the second article. If any inference beyond this can be drawn from their resolution, it is that they regarded the

proviso annexed by the First Consul to his declaration of acceptance as foreign to the subject, as nugatory, or as without consequence or effect. Notwithstanding this proviso, they considered the ratification as full. If the new proviso made any change in the previous import of the convention, then it was not full; and in considering it a full ratification they in substance deny that the proviso did in any respect change the tenor of the convention.

By the second article, as it originally stood, neither Republic had relinquished its existing rights or pretensions, either as to other previous treaties or the indemnities mutually due or claimed, but only deferred the consideration of them to a convenient time. By the amendment of the Senate of the United States that convenient time, instead of being left indefinite, was fixed at eight years; but no right or pretension of either party was surrendered or abandoned.

If the Senate erred in assuming that the proviso added by the First Consul did not affect the question, then the transaction would amount to nothing more than to have raised a new question, to be disposed of on resuming the negotiations, namely, the question whether the proviso of the First Consul did or not modify or impair the effect of the convention as it had been ratified by the Senate.

That such, and such only, was the true meaning and effect of the transaction; that it was not, and was not intended to be, a relinquishment by the United States of any existing claim on France, and especially that it was not an abandonment of any claims of individual citizens, nor the set off of these against any conceded national obligations to France, is shown by the fact that President Jefferson did at once resume and prosecute to successful conclusion negotiations to obtain from France indemnification for the claims of citizens of the United States existing at the date of that convention; for on the 30th of April, 1803, three treaties were concluded at Paris between the United States of America and the French Republic, one of which embraced the cession of Louisiana; another stipulated for the payment of 60,000,000 francs by the United States to France; and a third provided that, for the satisfaction of sums due by France to citizens of the United States at the conclusion of the convention of September 30, 1800, and in express compliance with the second and fifth articles thereof, a further sum of 20,000,000 francs should be appropriated and paid by the United States. In the preamble to the first of these treaties, which ceded Louisiana, it is set forth that—

> The President of the United States of America and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendémiaire, an 9 (30th September, 1800), relative to the rights claimed by the United States in virtue of the treaty concluded at Madrid the 27th of October, 1795, between His Catholic Majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily reestablished between the two nations, have respectively

named their plenipotentiaries, * * * who * * * have agreed to the following articles.

Here is the most distinct and categorical declaration of the two Governments that the matters of claim in the second article of the convention of 1800 had not been ceded away, relinquished, or set off, but they were still subsisting subjects of demand against France. The same declaration appears in equally emphatic language in the third of these treaties, bearing the same date, the preamble of which recites that—

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the 8th Vendémiaire, ninth year of the French Republic (30th September, 1800), to secure the payment of the sums due by France to the citizens of the United States, have appointed plenipotentiaries—

who agreed to the following among other articles:

ART. I. The debts due by France to citizens of the United States, contracted before the 8th of Vendémiaire, ninth year of the French Republic (30th September, 1800), shall be paid according to the following regulations, with interest at 6 per cent, to commence from the periods when the accounts and vouchers were presented to the French Government.

ART. II. The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, can not exceed the sum of 20,000,000 francs. The claims comprised in the said note which fall within the exceptions of the following articles shall not be admitted to the benefit of this provision.

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ART. IV. It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States who have been and are yet creditors of France for supplies, for embargoes, and prizes made at sea in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendémiaire, ninth year (30th September, 1800).

ART. V. The preceding articles shall apply only, first, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant can not have recourse to the United States otherwise than he might have had to the Government of the French Republic, and only in case of insufficiency of the captors; second, the debts mentioned in the said fifth article of the convention, contracted before the 8th Vendémiaire, an 9 (30th September, 1800), the payment of which has been heretofore claimed of the actual Government of France and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed. It is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise which shall not be the property of American citizens are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

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ART. XII. In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendémiaire, ninth year (30th September, 1800), not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

Other articles of the treaty provide for the appointment of agents to liquidate the claims intended to be secured, and for the payment of them as allowed at the Treasury of the United States. The following is the concluding clause of the tenth article:

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

Now, from the provisions of the treaties thus collated the following deductions undeniably follow, namely:

First. Neither the second article of the convention of 1800, as it originally stood, nor the retrenchment of that article, nor the proviso in the ratification by the First Consul, nor the action of the Senate of the United States thereon, was regarded by either France or the United States as the renouncement of any claims of American citizens against France.

Second. On the contrary, in the treaties of 1803 the two Governments took up the question precisely where it was left on the day of the signature of that of 1800, without suggestion on the part of France that the claims of our citizens were excluded by the retrenchment of the second article or the note of the First Consul, and proceeded to make ample provision for such as France could be induced to admit were justly due, and they were accordingly discharged in full, with interest, by the United States in the stead and behalf of France.

Third. The United States, not having admitted in the convention of 1800 that they were under any obligations to France by reason of the abrogation of the treaties of 1778 and 1788, persevered in this view of the question by the tenor of the treaties of 1803, and therefore had no such national obligation to discharge, and did not, either in purpose or in fact, at any time undertake to discharge themselves from any such obligation at the expense and with the property of individual citizens of the United States.

Fourth. By the treaties of 1803 the United States obtained from France the acknowledgment and payment, as part of the indemnity for the cession of Louisiana, of claims of citizens of the United States for spoliations, so far as France would admit her liability in the premises; but even then the United States did not relinquish any claim of American citizens not provided for by those treaties; so far from it, to the honor of France be it remembered, she expressly reserved to herself the right to reconsider any rejected claims of citizens of the United States.

Fifth. As to claims of citizens of the United States against France, which had been the subject of controversy between the two countries prior to the signature of the convention of 1800, and the further consideration of which was reserved for a more convenient time by the

second article of that convention, for these claims, and these only, provision was made in the treaties of 1803, all other claims being expressly excluded by them from their scope and purview.

It is not to be overlooked, though not necessary to the conclusion, that by the convention between France and the United States of the 4th of July, 1831, complete provision was made for the liquidation, discharge, and payment on both sides of all claims of citizens of either against the other for unlawful seizures, captures, sequestrations, or destructions of the vessels, cargoes, or other property, without any limitation of time, so as in terms to run back to the date of the last preceding settlement, at least to that of 1803, if not to the commencement of our national relations with France.

This review of the successive treaties between France and the United States has brought my mind to the undoubting conviction that while the United States have in the most ample and the completest manner discharged their duty toward such of their citizens as may have been at any time aggrieved by acts of the French Government, so also France has honorably discharged herself of all obligations in the premises toward the United States. To concede what this bill assumes would be to impute undeserved reproach both to France and to the United States.

I am, of course, aware that the bill proposes only to provide indemnification for such valid claims of citizens of the United States against France as shall not have been stipulated for and embraced in any of the treaties enumerated. But in excluding all such claims it excludes all. in fact, for which, during the negotiations, France could be persuaded to agree that she was in any wise liable to the United States or our citizens. What remains? And for what is five millions appropriated? In view of what has been said there would seem to be no ground on which to raise a liability of the United States, unless it be the assumption that the United States are to be considered the insurer and the guarantor of all claims, of whatever nature, which any individual citizen may have against a foreign nation.

FRANKLIN PIERCE.

WASHINGTON, *March 3*, [*1855*.]

To the House of Representatives:

I return herewith to the House of Representatives, in which it originated, the bill entitled "An act making appropriations for the transportation of the United States mail, by ocean steamers and otherwise, during the fiscal years ending the 30th of June, 1855, and the 30th of June, 1856," with a brief statement of the reasons which prevent its receiving my approval. The bill provides, among other things, that—

The following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the 30th of June, 1856.

For transportation of the mails from New York to Liverpool and back, $858,000;

and that the proviso contained in the first section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," approved the 21st of July, 1852, be, and the same is hereby, repealed: *Provided*, That Edward K. Collins and his associates shall proceed with all due diligence to build another steamship, in accordance with the terms of their contract, and have the same ready for the mail service in two years from and after the passage of this act; and if the said steamship is not ready within the time above mentioned, by reason of any neglect or want of diligence on their part, then the said Edward K. Collins and his associates shall carry the United States mails between New York and Liverpool from the expiration of the said two years, every fortnight, free of any charge to the Government, until the new steamship shall have commenced the said mail service.

The original contract was predicated upon the proposition of E. K. Collins of March 6, 1846, made with abundant means of knowledge as to the advantages and disadvantages of the terms which he then submitted for the acceptance of the Government. The proposition was in the following terms:

WASHINGTON, *March 6, 1846.*

E. K. Collins and his associates propose to carry the United States mail between New York and Liverpool twice each month during eight months of the year and once a month during the other four months for the sum of $385,000 per annum, payable quarterly. For this purpose they will agree to build five steamships of not less than 2,000 tons measurement and of 1,000 horsepower each, which vessels shall be built for great speed and sufficiently strong for war purposes.

Four of said vessels to be ready for service in eighteen months from the signing of the contract. The fifth vessel to be built as early as possibly practicable, and when not employed in the mail service to be subject to the orders of the Government for carrying dispatches, for which service a fair compensation is to be paid. Contract to be for the term of ten years. It is also proposed to secure to the United States the privilege of purchasing said steamships whenever they may be required for public purposes, at a fair valuation, to be ascertained by appraisers appointed by the United States and by the owners.

EDWARD K. COLLINS.

The act of March 3, 1847, provides—

That from and immediately after the passage of this act it shall be the duty of the Secretary of the Navy to accept, on the part of the Government of the United States, the proposals of E. K. Collins and his associates, of the city of New York, submitted to the Postmaster-General, and dated at Washington, March 6, 1846, for the transportation of the United States mail between New York and Liverpool, and to contract with the said E. K. Collins and his associates for the faithful fulfillment of the stipulations therein contained, and in accordance with the provisions of this act.

And under this proposition and enactment the original contract was made.

According to the terms of that contract the parties were to receive from the United States for twenty round trips each year the sum of $19,250 the trip, or $385,000 per annum; and they were to construct and provide five ships of a stipulated size and quality for the performance of this or other service for the Government.

Of the ships contracted for, only four have been furnished—the *Atlantic*, *Pacific*, *Arctic*, and *Baltic*—and the present bill proposes to dispense

entirely with the original condition of a fifth ship, by only requiring the construction of one, which would but supply the place of the *Arctic*, recently lost by peril of the sea. Certain minor conditions involving expense to the contractors, among which was one for the accommodation and subsistence of a certain number of passed midshipmen on each vessel, had previously been dispensed with on the part of the United States.

By act of Congress of July 21, 1852, the amount of compensation to the contractors was increased from $19,250 to $33,000 a trip and the number of trips from twenty to twenty-six each year, making the whole compensation $858,000 per annum. During the period of time from the commencement of the service of these contractors, on the 27th of April, 1850, to the end of the last fiscal year, June 30, 1854, the sum paid to them by the United States amounted to $2,620,906, without reckoning public money advanced on loan to aid them in the construction of the ships; while the whole amount of postages derived to the Department has been only $734,056, showing an excess of expenditure above receipts of $1,886,440 to the charge of the Government. In the meantime, in addition to the payments from the Treasury, the parties have been in the enjoyment of large receipts from the transportation of passengers and merchandise, the profits of which are in addition to the amount allowed by the United States.

It does not appear that the liberal conditions heretofore enjoyed by the parties were less than a proper compensation for the service to be performed, including whatever there may have been of hazard in a new undertaking, nor that any hardship can be justly alleged calling for relief on the part of the Government.

On the other hand, the construction of five ships of great speed, and sufficiently strong for war purposes, and the services of passed midshipmen on board of them, so as thus to augment the contingent force and the actual efficiency of the Navy, were among the inducements of the Government to enter into the contract.

The act of July 21, 1852, provides "that it shall be in the power of Congress at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for upon giving six months' notice;" and it will be seen that, with the exception of the six additional trips required by the act of July 21, 1852, there has been no departure from the original engagement but to relieve the contractors from obligation, and yet by the act last named the compensation was increased from $385,000 to $858,000, with no other protection to the public interests provided than the right which Congress reserved to itself to terminate the contract, so far as this increased compensation was concerned, after six months' notice. This last provision, certainly a primary consideration for the more generous action of the Government, the present bill proposes to repeal, so as to leave Congress no power to terminate the new arrangement.

To this repeal the objections are, in my mind, insuperable, because in terms it deprives the United States of all future discretion as to the increased service and compensation, whatever changes may occur in the art of navigation, its expenses, or the policy and political condition of the country. The gravity of this objection is enhanced by other considerations. While the contractors are to be paid a compensation nearly double the rate of the original contract, they are exempted from several of its conditions, which has the effect of adding still more to that rate; while the further advantage is conceded to them of placing their new privileges beyond the control even of Congress.

It will be regarded as a less serious objection than that already stated, but one which should not be overlooked, that the privileges bestowed upon the contractors are without corresponding advantages to the Government, which receives no sufficient pecuniary or other return for the immense outlay involved, which could obtain the same service of other parties at less cost, and which, if the bill becomes a law, will pay them a large amount of public money without adequate consideration; that is, will in effect confer a gratuity whilst nominally making provision for the transportation of the mails of the United States.

To provide for making a donation of such magnitude and to give to the arrangement the character of permanence which this bill proposes would be to deprive commercial enterprise of the benefits of free competition and to establish a monopoly in violation of the soundest principles of public policy and of doubtful compatibility with the Constitution.

I am, of course, not unmindful of the fact that the bill comprises various other appropriations which are more or less important to the public interests, for which reason my objections to it are communicated at the first meeting of the House following its presentation to me, in the hope that by amendment to bills now pending or otherwise suitable provision for all the objects in question may be made before the adjournment of Congress.

FRANKLIN PIERCE.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas by an act of the Congress of the United States approved the 5th day of August, 1854, entitled "An act to carry into effect a treaty between the United States and Great Britain signed on the 5th day of June, 1854," it is provided that whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain and the Provincial Parliaments of Canada, New Brunswick,

Nova Scotia, and Prince Edwards Island have passed laws on their part to give full effect to the provisions of the said treaty, he is authorized to issue his proclamation declaring that he has such evidence; and

Whereas satisfactory information has been received by me that the Imperial Parliament of Great Britain and the Provincial Parliaments of Canada, New Brunswick, Nova Scotia, and Prince Edwards Island have passed laws on their part to give full effect to the provisions of the treaty aforesaid:

Now, therefore, I, Franklin Pierce, President of the United States of America, do hereby declare and proclaim that from this date the following articles, being the growth and produce of the said Provinces of Canada, New Brunswick, Nova Scotia, and Prince Edwards Island, to wit: Grain, flour, and breadstuffs of all kinds; animals of all kinds; fresh, smoked, and salted meats; cotton wool, seeds and vegetables, undried fruits, dried fruits, fish of all kinds, products of fish and all other creatures living in the water, poultry, eggs; hides, furs, skins, or tails, undressed; stone or marble in its crude or unwrought state, slate, butter, cheese, tallow, lard, horns, manures, ores of metals of all kinds, coal, pitch, tar, turpentine, ashes; timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; firewood; plants, shrubs, and trees; pelts, wool, fish oil, rice, broom corn, and bark; gypsum, ground or unground; hewn or wrought or unwrought burr or grind stones; dyestuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco, rags—shall be introduced into the United States free of duty so long as the said treaty shall remain in force, subject, however, to be suspended in relation to the trade with Canada on the condition mentioned in the fourth article of the said treaty, and that all the other provisions of the said treaty shall go into effect and be observed on the part of the United States.

Given under my hand, at the city of Washington, the 16th day of March, A. D. 1855, and of the Independence of the United States the seventy-ninth.

[SEAL.]

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress of the 28th of September, 1850, entitled "An act to create additional collection districts in the State of California and to change the existing district therein, and to modify the existing collection districts in the United States," extends to merchandise warehoused under bond the privilege of being exported to the British North

American Provinces adjoining the United States in the manner prescribed in the act of Congress of the 3d of March, 1845, which designates certain frontier ports through which merchandise may be exported, and further provides "that such other ports situated on the frontiers of the United States adjoining the British North American Provinces as may hereafter be found expedient may have extended to them the like privileges on the recommendation of the Secretary of the Treasury and proclamation duly made by the President of the United States specially designating the ports to which the aforesaid privileges are to be extended:"

Now, therefore, I, Franklin Pierce, President of the United States of America, in accordance with the recommendation of the Secretary of the Treasury, do hereby declare and proclaim that the ports of Rouses Point, Cape Vincent, Suspension Bridge, and Dunkirk, in the State of New York; Swanton, Alburg, and Island Pond, in the State of Vermont; Toledo, in the State of Ohio; Chicago, in the State of Illinois; Milwaukee, in the State of Wisconsin; Michilimackinac, in the State of Michigan; Eastport, in the State of Maine; and Pembina, in the Territory of Minnesota, are and shall be entitled to all the privileges in regard to the exportation of merchandise in bond to the British North American Provinces adjoining the United States which are extended to the ports enumerated in the seventh section of the act of Congress of the 3d of March, 1845, aforesaid, from and after the date of this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of July, A. D. 1855, and of the Independence of the United States of America the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

Secretary of State.

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 31, 1855.*

Fellow-Citizens of the Senate and of the House of Representatives:

The Constitution of the United States provides that Congress shall assemble annually on the first Monday of December, and it has been usual for the President to make no communication of a public character to the Senate and House of Representatives until advised of their readiness to receive it. I have deferred to this usage until the close of the first month of the session, but my convictions of duty will not permit me longer to postpone the discharge of the obligation enjoined by the

Constitution upon the President "to give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient."

It is matter of congratulation that the Republic is tranquilly advancing in a career of prosperity and peace.

Whilst relations of amity continue to exist between the United States and all foreign powers, with some of them grave questions are depending which may require the consideration of Congress.

Of such questions, the most important is that which has arisen out of the negotiations with Great Britain in reference to Central America.

By the convention concluded between the two Governments on the 19th of April, 1850, both parties covenanted that "neither will ever" "occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua. Costa Rica, the Mosquito Coast, or any part of Central America."

It was the undoubted understanding of the United States in making this treaty that all the present States of the former Republic of Central America and the entire territory of each would thenceforth enjoy complete independence, and that both contracting parties engaged equally and to the same extent, for the present and for the future, that if either then had any claim of right in Central America such claim and all occupation or authority under it were unreservedly relinquished by the stipulations of the convention, and that no dominion was thereafter to be exercised or assumed in any part of Central America by Great Britain or the United States.

This Government consented to restrictions in regard to a region of country wherein we had specific and peculiar interests only upon the conviction that the like restrictions were in the same sense obligatory on Great Britain. But for this understanding of the force and effect of the convention it would never have been concluded by us.

So clear was this understanding on the part of the United States that in correspondence contemporaneous with the ratification of the convention it was distinctly expressed that the mutual covenants of nonoccupation were not intended to apply to the British establishment at the Balize. This qualification is to be ascribed to the fact that, in virtue of successive treaties with previous sovereigns of the country, Great Britain had obtained a concession of the right to cut mahogany or dyewoods at the Balize, but with positive exclusion of all domain or sovereignty; and thus it confirms the natural construction and understood import of the treaty as to all the rest of the region to which the stipulations applied.

It, however, became apparent at an early day after entering upon the discharge of my present functions that Great Britain still continued in the exercise or assertion of large authority in all that part of Central America commonly called the Mosquito Coast, and covering the entire

length of the State of Nicaragua and a part of Costa Rica; that she regarded the Balize as her absolute domain and was gradually extending its limits at the expense of the State of Honduras, and that she had formally colonized a considerable insular group known as the Bay Islands, and belonging of right to that State.

All these acts or pretensions of Great Britain, being contrary to the rights of the States of Central America and to the manifest tenor of her stipulations with the United States as understood by this Government, have been made the subject of negotiation through the American minister in London. I transmit herewith the instructions to him on the subject and the correspondence between him and the British secretary for foreign affairs, by which you will perceive that the two Governments differ widely and irreconcilably as to the construction of the convention and its effect on their respective relations to Central America.

Great Britain so construes the convention as to maintain unchanged all her previous pretensions over the Mosquito Coast and in different parts of Central America. These pretensions as to the Mosquito Coast are founded on the assumption of political relation between Great Britain and the remnant of a tribe of Indians on that coast, entered into at a time when the whole country was a colonial possession of Spain. It can not be successfully controverted that by the public law of Europe and America no possible act of such Indians or their predecessors could confer on Great Britain any political rights.

Great Britain does not allege the assent of Spain as the origin of her claims on the Mosquito Coast. She has, on the contrary, by repeated and successive treaties renounced and relinquished all pretensions of her own and recognized the full and sovereign rights of Spain in the most unequivocal terms. Yet these pretensions, so without solid foundation in the beginning and thus repeatedly abjured, were at a recent period revived by Great Britain against the Central American States, the legitimate successors to all the ancient jurisdiction of Spain in that region. They were first applied only to a defined part of the coast of Nicaragua, afterwards to the whole of its Atlantic coast, and lastly to a part of the coast of Costa Rica, and they are now reasserted to this extent notwithstanding engagements to the United States.

On the eastern coast of Nicaragua and Costa Rica the interference of Great Britain, though exerted at one time in the form of military occupation of the port of San Juan del Norte, then in the peaceful possession of the appropriate authorities of the Central American States, is now presented by her as the rightful exercise of a protectorship over the Mosquito tribe of Indians.

But the establishment at the Balize, now reaching far beyond its treaty limits into the State of Honduras, and that of the Bay Islands, appertaining of right to the same State, are as distinctly colonial governments as those of Jamaica or Canada, and therefore contrary to the very letter,

as well as the spirit, of the convention with the United States as it was at the time of ratification and now is understood by this Government.

The interpretation which the British Government thus, in assertion and act, persists in ascribing to the convention entirely changes its character. While it holds us to all our obligations, it in a great measure releases Great Britain from those which constituted the consideration of this Government for entering into the convention. It is impossible, in my judgment, for the United States to acquiesce in such a construction of the respective relations of the two Governments to Central America.

To a renewed call by this Government upon Great Britain to abide by and carry into effect the stipulations of the convention according to its obvious import by withdrawing from the possession or colonization of portions of the Central American States of Honduras, Nicaragua, and Costa Rica, the British Government has at length replied, affirming that the operation of the treaty is prospective only and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion.

This reply substitutes a partial issue in the place of the general one presented by the United States. The British Government passes over the question of the rights of Great Britain, real or supposed, in Central America, and assumes that she had such rights at the date of the treaty and that those rights comprehended the protectorship of the Mosquito Indians, the extended jurisdiction and limits of the Balize, and the colony of the Bay Islands, and thereupon proceeds by implication to infer that if the stipulations of the treaty be merely future in effect Great Britain may still continue to hold the contested portions of Central America. The United States can not admit either the inference or the premises. We steadily deny that at the date of the treaty Great Britain had any possessions there other than the limited and peculiar establishment at the Balize, and maintain that if she had any they were surrendered by the convention.

This Government, recognizing the obligations of the treaty, has, of course, desired to see it executed in good faith by both parties, and in the discussion, therefore, has not looked to rights which we might assert independently of the treaty in consideration of our geographical position and of other circumstances which create for us relations to the Central American States different from those of any government of Europe.

The British Government, in its last communication, although well knowing the views of the United States, still declares that it sees no reason why a conciliatory spirit may not enable the two Governments to overcome all obstacles to a satisfactory adjustment of the subject.

Assured of the correctness of the construction of the treaty constantly adhered to by this Government and resolved to insist on the rights of the United States, yet actuated also by the same desire which is avowed by the British Government, to remove all causes of serious misunderstanding between two nations associated by so many ties of interest and kindred,

it has appeared to me proper not to consider an amicable solution of the controversy hopeless.

There is, however, reason to apprehend that with Great Britain in the actual occupation of the disputed territories, and the treaty therefore practically null so far as regards our rights, this international difficulty can not long remain undetermined without involving in serious danger the friendly relations which it is the interest as well as the duty of both countries to cherish and preserve. It will afford me sincere gratification if future efforts shall result in the success anticipated heretofore with more confidence than the aspect of the case permits me now to entertain.

One other subject of discussion between the United States and Great Britain has grown out of the attempt, which the exigencies of the war in which she is engaged with Russia induced her to make, to draw recruits from the United States.

It is the traditional and settled policy of the United States to maintain impartial neutrality during the wars which from time to time occur among the great powers of the world. Performing all the duties of neutrality toward the respective belligerent states, we may reasonably expect them not to interfere with our lawful enjoyment of its benefits. Notwithstanding the existence of such hostilities, our citizens retained the individual right to continue all their accustomed pursuits, by land or by sea, at home or abroad, subject only to such restrictions in this relation as the laws of war, the usage of nations, or special treaties may impose; and it is our sovereign right that our territory and jurisdiction shall not be invaded by either of the belligerent parties for the transit of their armies, the operations of their fleets, the levy of troops for their service, the fitting out of cruisers by or against either, or any other act or incident of war. And these undeniable rights of neutrality, individual and national, the United States will under no circumstances surrender.

In pursuance of this policy, the laws of the United States do not forbid their citizens to sell to either of the belligerent powers articles contraband of war or take munitions of war or soldiers on board their private ships for transportation; and although in so doing the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality nor of themselves implicate the Government. Thus, during the progress of the present war in Europe, our citizens have, without national responsibility therefor, sold gunpowder and arms to all buyers, regardless of the destination of those articles. Our merchantmen have been, and still continue to be, largely employed by Great Britain and by France in transporting troops, provisions, and munitions of war to the principal seat of military operations and in bringing home their sick and wounded soldiers; but such use of our mercantile marine is not interdicted either by the international or by our municipal law, and therefore does not compromit our neutral relations with Russia.

But our municipal law, in accordance with the law of nations, peremptorily forbids not only foreigners, but our own citizens, to fit out within the United States a vessel to commit hostilities against any state with which the United States are at peace, or to increase the force of any foreign armed vessel intended for such hostilities against a friendly state.

Whatever concern may have been felt by either of the belligerent powers lest private armed cruisers or other vessels in the service of one might be fitted out in the ports of this country to depredate on the property of the other, all such fears have proved to be utterly groundless. Our citizens have been withheld from any such act or purpose by good faith and by respect for the law.

While the laws of the Union are thus peremptory in their prohibition of the equipment or armament of belligerent cruisers in our ports, they provide not less absolutely that no person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered, in the service of any foreign state, either as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer. And these enactments are also in strict conformity with the law of nations, which declares that no state has the right to raise troops for land or sea service in another state without its consent, and that, whether forbidden by the municipal law or not, the very attempt to do it without such consent is an attack on the national sovereignty.

Such being the public rights and the municipal law of the United States, no solicitude on the subject was entertained by this Government when, a year since, the British Parliament passed an act to provide for the enlistment of foreigners in the military service of Great Britain. Nothing on the face of the act or in its public history indicated that the British Government proposed to attempt recruitment in the United States, nor did it ever give intimation of such intention to this Government. It was matter of surprise, therefore, to find subsequently that the engagement of persons within the United States to proceed to Halifax, in the British Province of Nova Scotia, and there enlist in the service of Great Britain, was going on extensively, with little or no disguise. Ordinary legal steps were immediately taken to arrest and punish parties concerned, and so put an end to acts infringing the municipal law and derogatory to our sovereignty. Meanwhile suitable representations on the subject were addressed to the British Government.

Thereupon it became known, by the admission of the British Government itself, that the attempt to draw recruits from this country originated with it, or at least had its approval and sanction; but it also appeared that the public agents engaged in it had "stringent instructions" not to violate the muncipal law of the United States.

It is difficult to understand how it should have been supposed that troops could be raised here by Great Britain without violation of the municipal law. The unmistakable object of the law was to prevent every such act which if performed must be either in violation of the law or in studied evasion of it, and in either alternative the act done would be alike injurious to the sovereignty of the United States.

In the meantime the matter acquired additional importance by the recruitments in the United States not being discontinued, and the disclosure of the fact that they were prosecuted upon a systematic plan devised by official authority; that recruiting rendezvous had been opened in our principal cities and depots for the reception of recruits established on our frontier, and the whole business conducted under the supervision and by the regular cooperation of British officers, civil and military, some in the North American Provinces and some in the United States. The complicity of those officers in an undertaking which could only be accomplished by defying our laws, throwing suspicion over our attitude of neutrality, and disregarding our territorial rights is conclusively proved by the evidence elicited on the trial of such of their agents as have been apprehended and convicted. Some of the officers thus implicated are of high official position, and many of them beyond our jurisdiction, so that legal proceedings could not reach the source of the mischief.

These considerations, and the fact that the cause of complaint was not a mere casual occurrence, but a deliberate design, entered upon with full knowledge of our laws and national policy and conducted by responsible public functionaries, impelled me to present the case to the British Government, in order to secure not only a cessation of the wrong, but its reparation. The subject is still under discussion, the result of which will be communicated to you in due time.

I repeat the recommendation submitted to the last Congress, that provision be made for the appointment of a commissioner, in connection with Great Britain, to survey and establish the boundary line which divides the Territory of Washington from the contiguous British possessions. By reason of the extent and importance of the country in dispute, there has been imminent danger of collision between the subjects of Great Britain and the citizens of the United States, including their respective authorities, in that quarter. The prospect of a speedy arrangement has contributed hitherto to induce on both sides forbearance to assert by force what each claims as a right. Continuance of delay on the part of the two Governments to act in the matter will increase the dangers and difficulties of the controversy.

Misunderstanding exists as to the extent, character, and value of the possessory rights of the Hudsons Bay Company and the property of the Pugets Sound Agricultural Company reserved in our treaty with Great Britain relative to the Territory of Oregon. I have reason to believe that a cession of the rights of both companies to the United States,

which would be the readiest means of terminating all questions, can be obtained on reasonable terms, and with a view to this end I present the subject to the attention of Congress.

The colony of Newfoundland, having enacted the laws required by the treaty of the 5th of June, 1854, is now placed on the same footing in respect to commercial intercourse with the United States as the other British North American Provinces.

The commission which that treaty contemplated, for determining the rights of fishery in rivers and mouths of rivers on the coasts of the United States and the British North American Provinces, has been organized, and has commenced its labors, to complete which there are needed further appropriations for the service of another season.

In pursuance of the authority conferred by a resolution of the Senate of the United States passed on the 3d of March last, notice was given to Denmark on the 14th day of April of the intention of this Government to avail itself of the stipulation of the subsisting convention of friendship, commerce, and navigation between that Kingdom and the United States whereby either party might after ten years terminate the same at the expiration of one year from the date of notice for that purpose.

The considerations which led me to call the attention of Congress to that convention and induced the Senate to adopt the resolution referred to still continue in full force. The convention contains an article which, although it does not directly engage the United States to submit to the imposition of tolls on the vessels and cargoes of Americans passing into or from the Baltic Sea during the continuance of the treaty, yet may by possibility be construed as implying such submission. The exaction of those tolls not being justified by any principle of international law, it became the right and duty of the United States to relieve themselves from the implication of engagement on the subject, so as to be perfectly free to act in the premises in such way as their public interests and honor shall demand.

I remain of the opinion that the United States ought not to submit to the payment of the Sound dues, not so much because of their amount, which is a secondary matter, but because it is in effect the recognition of the right of Denmark to treat one of the great maritime highways of nations as a close sea, and prevent the navigation of it as a privilege, for which tribute may be imposed upon those who have occasion to use it.

This Government on a former occasion, not unlike the present, signalized its determination to maintain the freedom of the seas and of the great natural channels of navigation. The Barbary States had for a long time coerced the payment of tribute from all nations whose ships frequented the Mediterranean. To the last demand of such payment made by them the United States, although suffering less by their depredations than many other nations, returned the explicit answer that we preferred war to tribute, and thus opened the way to the relief of the commerce of

the world from an ignominious tax, so long submitted to by the more powerful nations of Europe.

If the manner of payment of the Sound dues differ from that of the tribute formerly conceded to the Barbary States, still their exaction by Denmark has no better foundation in right. Each was in its origin nothing but a tax on a common natural right, extorted by those who were at that time able to obstruct the free and secure enjoyment of it, but who no longer possess that power.

Denmark, while resisting our assertion of the freedom of the Baltic Sound and Belts, has indicated a readiness to make some new arrangement on the subject, and has invited the governments interested, including the United States, to be represented in a convention to assemble for the purpose of receiving and considering a proposition which she intends to submit for the capitalization of the Sound dues and the distribution of the sum to be paid as commutation among the governments according to the respective proportions of their maritime commerce to and from the Baltic. I have declined, in behalf of the United States, to accept this invitation, for the most cogent reasons. One is that Denmark does not offer to submit to the convention the question of her right to levy the Sound dues. The second is that if the convention were allowed to take cognizance of that particular question, still it would not be competent to deal with the great international principle involved, which affects the right in other cases of navigation and commercial freedom, as well as that of access to the Baltic. Above all, by the express terms of the proposition it is contemplated that the consideration of the Sound dues shall be commingled with and made subordinate to a matter wholly extraneous—the balance of power among the Governments of Europe.

While, however, rejecting this proposition and insisting on the right of free transit into and from the Baltic, I have expressed to Denmark a willingness on the part of the United States to share liberally with other powers in compensating her for any advantages which commerce shall hereafter derive from expenditures made by her for the improvement and safety of the navigation of the Sound or Belts.

I lay before you herewith sundry documents on the subject, in which my views are more fully disclosed. Should no satisfactory arrangement be soon concluded, I shall again call your attention to the subject, with recommendation of such measures as may appear to be required in order to assert and secure the rights of the United States, so far as they are affected by the pretensions of Denmark.

I announce with much gratification that since the adjournment of the last Congress the question then existing between this Government and that of France respecting the French consul at San Francisco has been satisfactorily determined, and that the relations of the two Governments continue to be of the most friendly nature.

A question, also, which has been pending for several years between the

United States and the Kingdom of Greece, growing out of the sequestration by public authorities of that country of property belonging to the present American consul at Athens, and which had been the subject of very earnest discussion heretofore, has recently been settled to the satisfaction of the party interested and of both Governments.

With Spain peaceful relations are still maintained, and some progress has been made in securing the redress of wrongs complained of by this Government. Spain has not only disavowed and disapproved the conduct of the officers who illegally seized and detained the steamer *Black Warrior* at Havana, but has also paid the sum claimed as indemnity for the loss thereby inflicted on citizens of the United States.

In consequence of a destructive hurricane which visited Cuba in 1844, the supreme authority of that island issued a decree permitting the importation for the period of six months of certain building materials and provisions free of duty, but revoked it when about half the period only had elapsed, to the injury of citizens of the United States who had proceeded to act on the faith of that decree. The Spanish Government refused indemnification to the parties aggrieved until recently, when it was assented to, payment being promised to be made so soon as the amount due can be ascertained.

Satisfaction claimed for the arrest and search of the steamer *El Dorado* has not yet been accorded, but there is reason to believe that it will be; and that case, with others, continues to be urged on the attention of the Spanish Government. I do not abandon the hope of concluding with Spain some general arrangement which, if it do not wholly prevent the recurrence of difficulties in Cuba, will render them less frequent, and, whenever they shall occur, facilitate their more speedy settlement.

The interposition of this Government has been invoked by many of its citizens on account of injuries done to their persons and property for which the Mexican Republic is responsible. The unhappy situation of that country for some time past has not allowed its Government to give due consideration to claims of private reparation, and has appeared to call for and justify some forbearance in such matters on the part of this Government. But if the revolutionary movements which have lately occurred in that Republic end in the organization of a stable government, urgent appeals to its justice will then be made, and, it may be hoped, with success, for the redress of all complaints of our citizens.

In regard to the American Republics, which from their proximity and other considerations have peculiar relations to this Government, while it has been my constant aim strictly to observe all the obligations of political friendship and of good neighborhood, obstacles to this have arisen in some of them from their own insufficient power to check lawless irruptions, which in effect throws most of the task on the United States. Thus it is that the distracted internal condition of the State of Nicaragua has made it incumbent on me to appeal to the good faith

of our citizens to abstain from unlawful intervention in its affairs and to adopt preventive measures to the same end, which on a similar occasion had the best results in reassuring the peace of the Mexican States of Sonora and Lower California.

Since the last session of Congress a treaty of amity, commerce, and navigation and for the surrender of fugitive criminals with the Kingdom of the Two Sicilies; a treaty of friendship, commerce, and navigation with Nicaragua, and a convention of commercial reciprocity with the Hawaiian Kingdom have been negotiated. The latter Kingdom and the State of Nicaragua have also acceded to a declaration recognizing as international rights the principles contained in the convention between the United States and Russia of July 22, 1854. These treaties and conventions will be laid before the Senate for ratification.

The statements made in my last annual message respecting the anticipated receipts and expenditures of the Treasury have been substantially verified.

It appears from the report of the Secretary of the Treasury that the receipts during the last fiscal year, ending June 30, 1855, from all sources were $65,003,930, and that the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to $56,365,393. During the same period the payments made in redemption of the public debt, including interest and premium, amounted to $9,844,528.

The balance in the Treasury at the beginning of the present fiscal year, July 1, 1855, was $18,931,976; the receipts for the first quarter and the estimated receipts for the remaining three quarters amount together to $67,918,734; thus affording in all, as the available resources of the current fiscal year, the sum of $86,856,710.

If to the actual expenditures of the first quarter of the current fiscal year be added the probable expenditures for the remaining three quarters, as estimated by the Secretary of the Treasury, the sum total will be $71,226,846, thereby leaving an estimated balance in the Treasury on July 1, 1856, of $15,623,863.41.

In the above-estimated expenditures of the present fiscal year are included $3,000,000 to meet the last installment of the ten millions provided for in the late treaty with Mexico and $7,750,000 appropriated on account of the debt due to Texas, which two sums make an aggregate amount of $10,750,000 and reduce the expenditures, actual or estimated, for ordinary objects of the year to the sum of $60,476,000.

The amount of the public debt at the commencement of the present fiscal year was $40,583,631, and, deduction being made of subsequent payments, the whole public debt of the Federal Government remaining at this time is less than $40,000,000. The remnant of certain other Government stocks, amounting to $243,000, referred to in my last message as outstanding, has since been paid.

I am fully persuaded that it would be difficult to devise a system

superior to that by which the fiscal business of the Government is now conducted. Notwithstanding the great number of public agents of collection and disbursement, it is believed that the checks and guards provided, including the requirement of monthly returns, render it scarcely possible for any considerable fraud on the part of those agents or neglect involving hazard of serious public loss to escape detection. I renew, however, the recommendation heretofore made by me of the enactment of a law declaring it felony on the part of public officers to insert false entries in their books of record or account or to make false returns, and also requiring them on the termination of their service to deliver to their successors all books, records, and other objects of a public nature in their custody.

Derived, as our public revenue is, in chief part from duties on imports, its magnitude affords gratifying evidence of the prosperity, not only of our commerce, but of the other great interests upon which that depends.

The principle that all moneys not required for the current expenses of the Government should remain for active employment in the hands of the people and the conspicuous fact that the annual revenue from all sources exceeds by many millions of dollars the amount needed for a prudent and economical administration of public affairs can not fail to suggest the propriety of an early revision and reduction of the tariff of duties on imports. It is now so generally conceded that the purpose of revenue alone can justify the imposition of duties on imports that in readjusting the impost tables and schedules, which unquestionably require essential modifications, a departure from the principles of the present tariff is not anticipated.

The Army during the past year has been actively engaged in defending the Indian frontier, the state of the service permitting but few and small garrisons in our permanent fortifications. The additional regiments authorized at the last session of Congress have been recruited and organized, and a large portion of the troops have already been sent to the field. All the duties which devolve on the military establishment have been satisfactorily performed, and the dangers and privations incident to the character of the service required of our troops have furnished additional evidence of their courage, zeal, and capacity to meet any requisition which their country may make upon them. For the details of the military operations, the distribution of the troops, and additional provisions required for the military service, I refer to the report of the Secretary of War and the accompanying documents.

Experience gathered from events which have transpired since my last annual message has but served to confirm the opinion then expressed of the propriety of making provision by a retired list for disabled officers and for increased compensation to the officers retained on the list for active duty. All the reasons which existed when these measures were recommended on former occasions continue without modification, except so far as circumstances have given to some of them additional force.

The recommendations heretofore made for a partial reorganization of the Army are also renewed. The thorough elementary education given to those officers who commenced their service with the grade of cadet qualifies them to a considerable extent to perform the duties of every arm of the service; but to give the highest efficiency to artillery requires the practice and special study of many years, and it is not, therefore, believed to be advisable to maintain in time of peace a larger force of that arm than can be usually employed in the duties appertaining to the service of field and siege artillery. The duties of the staff in all its various branches belong to the movements of troops, and the efficiency of an army in the field would materially depend upon the ability with which those duties are discharged. It is not, as in the case of the artillery, a specialty, but requires also an intimate knowledge of the duties of an officer of the line, and it is not doubted that to complete the education of an officer for either the line or the general staff it is desirable that he shall have served in both. With this view, it was recommended on a former occasion that the duties of the staff should be mainly performed by details from the line, and, with conviction of the advantages which would result from such a change, it is again presented for the consideration of Congress.

The report of the Secretary of the Navy, herewith submitted, exhibits in full the naval operations of the past year, together with the present condition of the service, and it makes suggestions of further legislation, to which your attention is invited.

The construction of the six steam frigates for which appropriations were made by the last Congress has proceeded in the most satisfactory manner and with such expedition as to warrant the belief that they will be ready for service early in the coming spring. Important as this addition to our naval force is, it still remains inadequate to the contingent exigencies of the protection of the extensive seacoast and vast commercial interests of the United States. In view of this fact and of the acknowledged wisdom of the policy of a gradual and systematic increase of the Navy an appropriation is recommended for the construction of six steam sloops of war

In regard to the steps taken in execution of the act of Congress to promote the efficiency of the Navy, it is unnecessary for me to say more than to express entire concurrence in the observations on that subject presented by the Secretary in his report.

It will be perceived by the report of the Postmaster-General that the gross expenditure of the Department for the last fiscal year was $9,968,342 and the gross receipts $7,342,136, making an excess of expenditure over receipts of $2,626,206; and that the cost of mail transportation during that year was $674,952 greater than the previous year. Much of the heavy expenditures to which the Treasury is thus subjected is to be ascribed to the large quantity of printed matter conveyed by the mails either franked or liable to no postage by law or to very low rates of

postage compared with that charged on letters, and to the great cost of mail service on railroads and by ocean steamers. The suggestions of the Postmaster-General on the subject deserve the consideration of Congress.

The report of the Secretary of the Interior will engage your attention as well for useful suggestions it contains as for the interest and importance of the subjects to which they refer.

The aggregate amount of public land sold during the last fiscal year, located with military scrip or land warrants, taken up under grants for roads, and selected as swamp lands by States is 24,557,409 acres, of which the portion sold was 15,729,524 acres, yielding in receipts the sum of $11,485,380. In the same period of time 8,723,854 acres have been surveyed, but, in consideration of the quantity already subject to entry, no additional tracts have been brought into market.

The peculiar relation of the General Government to the District of Columbia renders it proper to commend to your care not only its material but also its moral interests, including education, more especially in those parts of the District outside of the cities of Washington and Georgetown.

The commissioners appointed to revise and codify the laws of the District have made such progress in the performance of their task as to insure its completion in the time prescribed by the act of Congress.

Information has recently been received that the peace of the settlements in the Territories of Oregon and Washington is disturbed by hostilities on the part of the Indians, with indications of extensive combinations of a hostile character among the tribes in that quarter, the more serious in their possible effect by reason of the undetermined foreign interests existing in those Territories, to which your attention has already been especially invited. Efficient measures have been taken, which, it is believed, will restore quiet and afford protection to our citizens.

In the Territory of Kansas there have been acts prejudicial to good order, but as yet none have occurred under circumstances to justify the interposition of the Federal Executive. That could only be in case of obstruction to Federal law or of organized resistance to Territorial law, assuming the character of insurrection, which, if it should occur, it would be my duty promptly to overcome and suppress. I cherish the hope, however, that the occurrence of any such untoward event will be prevented by the sound sense of the people of the Territory, who by its organic law, possessing the right to determine their own domestic institutions, are entitled while deporting themselves peacefully to the free exercise of that right, and must be protected in the enjoyment of it without interference on the part of the citizens of any of the States.

The southern boundary line of this Territory has never been surveyed and established. The rapidly extending settlements in that region and the fact that the main route between Independence, in the State of Missouri, and New Mexico is contiguous in this line suggest the probability that embarrassing questions of jurisdiction may consequently arise.

For these and other considerations I commend the subject to your early attention.

I have thus passed in review the general state of the Union, including such particular concerns of the Federal Government, whether of domestic or foreign relation, as it appeared to me desirable and useful to bring to the special notice of Congress. Unlike the great States of Europe and Asia and many of those of America, these United States are wasting their strength neither in foreign war nor domestic strife. Whatever of discontent or public dissatisfaction exists is attributable to the imperfections of human nature or is incident to all governments, however perfect, which human wisdom can devise. Such subjects of political agitation as occupy the public mind consist to a great extent of exaggeration of inevitable evils, or overzeal in social improvement, or mere imagination of grievance, having but remote connection with any of the constitutional functions or duties of the Federal Government. To whatever extent these questions exhibit a tendency menacing to the stability of the Constitution or the integrity of the Union, and no further, they demand the consideration of the Executive and require to be presented by him to Congress.

Before the thirteen colonies became a confederation of independent States they were associated only by community of transatlantic origin, by geographical position, and by the mutual tie of common dependence on Great Britain. When that tie was sundered they severally assumed the powers and rights of absolute self-government. The municipal and social institutions of each, its laws of property and of personal relation, even its political organization, were such only as each one chose to establish, wholly without interference from any other. In the language of the Declaration of Independence, each State had "full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do." The several colonies differed in climate, in soil, in natural productions, in religion, in systems of education, in legislation, and in the forms of political administration, and they continued to differ in these respects when they voluntarily allied themselves as States to carry on the War of the Revolution.

The object of that war was to disenthrall the united colonies from foreign rule, which had proved to be oppressive, and to separate them permanently from the mother country. The political result was the foundation of a Federal Republic of the free white men of the colonies, constituted, as they were, in distinct and reciprocally independent State governments. As for the subject races, whether Indian or African, the wise and brave statesmen of that day, being engaged in no extravagant scheme of social change, left them as they were, and thus preserved themselves and their posterity from the anarchy and the ever-recurring civil wars which have prevailed in other revolutionized European colonies of America.

When the confederated States found it convenient to modify the conditions of their association by giving to the General Government direct

access in some respects to the people of the States, instead of confining it to action on the States as such, they proceeded to frame the existing Constitution, adhering steadily to one guiding thought, which was to delegate only such power as was necessary and proper to the execution of specific purposes, or, in other words, to retain as much as possible consistently with those purposes of the independent powers of the individual States. For objects of common defense and security, they intrusted to the General Government certain carefully defined functions, leaving all others as the undelegated rights of the separate independent sovereignties.

Such is the constitutional theory of our Government, the practical observance of which has carried us, and us alone among modern republics, through nearly three generations of time without the cost of one drop of blood shed in civil war. With freedom and concert of action, it has enabled us to contend successfully on the battlefield against foreign foes, has elevated the feeble colonies into powerful States, and has raised our industrial productions and our commerce which transports them to the level of the richest and the greatest nations of Europe. And the admirable adaptation of our political institutions to their objects, combining local self-government with aggregate strength, has established the practicability of a government like ours to cover a continent with confederate states.

The Congress of the United States is in effect that congress of sovereignties which good men in the Old World have sought for, but could never attain, and which imparts to America an exemption from the mutable leagues for common action, from the wars, the mutual invasions, and vague aspirations after the balance of power which convulse from time to time the Governments of Europe. Our cooperative action rests in the conditions of permanent confederation prescribed by the Constitution. Our balance of power is in the separate reserved rights of the States and their equal representation in the Senate. That independent sovereignty in every one of the States, with its reserved rights of local self-government assured to each by their coequal power in the Senate, was the fundamental condition of the Constitution. Without it the Union would never have existed. However desirous the larger States might be to reorganize the Government so as to give to their population its proportionate weight in the common counsels, they knew it was impossible unless they conceded to the smaller ones authority to exercise at least a negative influence on all the measures of the Government, whether legislative or executive, through their equal representation in the Senate. Indeed, the larger States themselves could not have failed to perceive that the same power was equally necessary to them for the security of their own domestic interests against the aggregate force of the General Government. In a word, the original States went into this permanent league on the agreed premises of exerting their common strength for the defense of the whole and of all its parts, but of utterly

excluding all capability of reciprocal aggression. Each solemnly bound itself to all the others neither to undertake nor permit any encroachment upon or intermeddling with another's reserved rights.

Where it was deemed expedient particular rights of the States were expressly guaranteed by the Constitution, but in all things besides these rights were guarded by the limitation of the powers granted and by express reservation of all powers not granted in the compact of union. Thus the great power of taxation was limited to purposes of common defense and general welfare, excluding objects appertaining to the local legislation of the several States; and those purposes of general welfare and common defense were afterwards defined by specific enumeration as being matters only of co-relation between the States themselves or between them and foreign governments, which, because of their common and general nature, could not be left to the separate control of each State.

Of the circumstances of local condition, interest, and rights in which a portion of the States, constituting one great section of the Union, differed from the rest and from another section, the most important was the peculiarity of a larger relative colored population in the Southern than in the Northern States.

A population of this class, held in subjection, existed in nearly all the States, but was more numerous and of more serious concernment in the South than in the North on account of natural differences of climate and production; and it was foreseen that, for the same reasons, while this population would diminish and sooner or later cease to exist in some States, it might increase in others. The peculiar character and magnitude of this question of local rights, not in material relations only, but still more in social ones, caused it to enter into the special stipulations of the Constitution.

Hence, while the General Government, as well by the enumerated powers granted to it as by those not enumerated, and therefore refused to it, was forbidden to touch this matter in the sense of attack or offense, it was placed under the general safeguard of the Union in the sense of defense against either invasion or domestic violence, like all other local interests of the several States. Each State expressly stipulated, as well for itself as for each and all of its citizens, and every citizen of each State became solemnly bound by his allegiance to the Constitution that any person held to service or labor in one State, escaping into another, should not, in consequence of any law or regulation thereof, be discharged from such service or labor, but should be delivered up on claim of the party to whom such service or labor might be due by the laws of his State.

Thus and thus only, by the reciprocal guaranty of all the rights of every State against interference on the part of another, was the present form of government established by our fathers and transmitted to us, and by no other means is it possible for it to exist. If one State ceases to respect the rights of another and obtrusively intermeddles with its local

interests; if a portion of the States assume to impose their institutions on the others or refuse to fulfill their obligations to them, we are no longer united, friendly States, but distracted, hostile ones, with little capacity left of common advantage, but abundant means of reciprocal injury and mischief. Practically it is immaterial whether aggressive interference between the States or deliberate refusal on the part of any one of them to comply with constitutional obligations arise from erroneous conviction or blind prejudice, whether it be perpetrated by direction or indirection. In either case it is full of threat and of danger to the durability of the Union.

Placed in the office of Chief Magistrate as the executive agent of the whole country, bound to take care that the laws be faithfully executed, and specially enjoined by the Constitution to give information to Congress on the state of the Union, it would be palpable neglect of duty on my part to pass over a subject like this, which beyond all things at the present time vitally concerns individual and public security.

It has been matter of painful regret to see States conspicuous for their services in founding this Republic and equally sharing its advantages disregard their constitutional obligations to it. Although conscious of their inability to heal admitted and palpable social evils of their own, and which are completely within their jurisdiction, they engage in the offensive and hopeless undertaking of reforming the domestic institutions of other States, wholly beyond their control and authority. In the vain pursuit of ends by them entirely unattainable, and which they may not legally attempt to compass, they peril the very existence of the Constitution and all the countless benefits which it has conferred. While the people of the Southern States confine their attention to their own affairs, not presuming officiously to intermeddle with the social institutions of the Northern States, too many of the inhabitants of the latter are permanently organized in associations to inflict injury on the former by wrongful acts, which would be cause of war as between foreign powers and only fail to be such in our system because perpetrated under cover of the Union.

Is it possible to present this subject as truth and the occasion require without noticing the reiterated but groundless allegation that the South has persistently asserted claims and obtained advantages in the practical administration of the General Government to the prejudice of the North, and in which the latter has acquiesced? That is, the States which either promote or tolerate attacks on the rights of persons and of property in other States, to disguise their own injustice, pretend or imagine, and constantly aver, that they, whose constitutional rights are thus systematically assailed, are themselves the aggressors. At the present time this imputed aggression, resting, as it does, only in the vague declamatory charges of political agitators, resolves itself into misapprehension, or misinterpretation, of the principles and facts of the political organization of the new Territories of the United States.

What is the voice of history? When the ordinance which provided for

the government of the territory northwest of the river Ohio and for its eventual subdivision into new States was adopted in the Congress of the Confederation, it is not to be supposed that the question of future relative power as between the States which retained and those which did not retain a numerous colored population escaped notice or failed to be considered. And yet the concession of that vast territory to the interests and opinions of the Northern States, a territory now the seat of five among the largest members of the Union, was in great measure the act of the State of Virginia and of the South.

When Louisiana was acquired by the United States, it was an acquisition not less to the North than to the South; for while it was important to the country at the mouth of the river Mississippi to become the emporium of the country above it, so also it was even more important to the whole Union to have that emporium; and although the new province, by reason of its imperfect settlement, was mainly regarded as on the Gulf of Mexico, yet in fact it extended to the opposite boundaries of the United States, with far greater breadth above than below, and was in territory, as in everything else, equally at least an accession to the Northern States. It is mere delusion and prejudice, therefore, to speak of Louisiana as acquisition in the special interest of the South.

The patriotic and just men who participated in that act were influenced by motives far above all sectional jealousies. It was in truth the great event which, by completing for us the possession of the Valley of the Mississippi, with commercial access to the Gulf of Mexico, imparted unity and strength to the whole Confederation and attached together by indissoluble ties the East and the West, as well as the North and the South.

As to Florida, that was but the transfer by Spain to the United States of territory on the east side of the river Mississippi in exchange for large territory which the United States transferred to Spain on the west side of that river, as the entire diplomatic history of the transaction serves to demonstrate. Moreover, it was an acquisition demanded by the commercial interests and the security of the whole Union.

In the meantime the people of the United States had grown up to a proper consciousness of their strength, and in a brief contest with France and in a second serious war with Great Britain they had shaken off all which remained of undue reverence for Europe, and emerged from the atmosphere of those transatlantic influences which surrounded the infant Republic, and had begun to turn their attention to the full and systematic development of the internal resources of the Union.

Among the evanescent controversies of that period the most conspicuous was the question of regulation by Congress of the social condition of the future States to be founded in the territory of Louisiana.

The ordinance for the government of the territory northwest of the river Ohio had contained a provision which prohibited the use of servile labor therein, subject to the condition of the extraditions of fugitives

from service due in any other part of the United States. Subsequently to the adoption of the Constitution this provision ceased to remain as a law, for its operation as such was absolutely superseded by the Constitution. But the recollection of the fact excited the zeal of social propagandism in some sections of the Confederation, and when a second State, that of Missouri, came to be formed in the territory of Louisiana proposition was made to extend to the latter territory the restriction originally applied to the country situated between the rivers Ohio and Mississippi.

Most questionable as was this proposition in all its constitutional relations, nevertheless it received the sanction of Congress, with some slight modifications of line, to save the existing rights of the intended new State. It was reluctantly acquiesced in by Southern States as a sacrifice to the cause of peace and of the Union, not only of the rights stipulated by the treaty of Louisiana, but of the principle of equality among the States guaranteed by the Constitution. It was received by the Northern States with angry and resentful condemnation and complaint, because it did not concede all which they had exactingly demanded. Having passed through the forms of legislation, it took its place in the statute book, standing open to repeal, like any other act of doubtful constitutionality, subject to be pronounced null and void by the courts of law, and possessing no possible efficacy to control the rights of the States which might thereafter be organized out of any part of the original territory of Louisiana.

In all this, if any aggression there were, any innovation upon preexisting rights, to which portion of the Union are they justly chargeable?

This controversy passed away with the occasion, nothing surviving it save the dormant letter of the statute.

But long afterwards, when by the proposed accession of the Republic of Texas the United States were to take their next step in territorial greatness, a similar contingency occurred and became the occasion for systematized attempts to intervene in the domestic affairs of one section of the Union, in defiance of their rights as States and of the stipulations of the Constitution. These attempts assumed a practical direction in the shape of persevering endeavors by some of the Representatives in both Houses of Congress to deprive the Southern States of the supposed benefit of the provisions of the act authorizing the organization of the State of Missouri.

But the good sense of the people and the vital force of the Constitution triumphed over sectional prejudice and the political errors of the day, and the State of Texas returned to the Union as she was, with social institutions which her people had chosen for themselves and with express agreement by the reannexing act that she should be susceptible of subdivision into a plurality of States.

Whatever advantage the interests of the Southern States, as such, gained by this were far inferior in results, as they unfolded in the prog-

ress of time, to those which sprang from previous concessions made by the South.

To every thoughtful friend of the Union, to the true lovers of their country, to all who longed and labored for the full success of this great experiment of republican institutions, it was cause of gratulation that such an opportunity had occurred to illustrate our advancing power on this continent and to furnish to the world additional assurance of the strength and stability of the Constitution. Who would wish to see Florida still a European colony? Who would rejoice to hail Texas as a lone star instead of one in the galaxy of States? Who does not appreciate the incalculable benefits of the acquisition of Louisiana? And yet narrow views and sectional purposes would inevitably have excluded them all from the Union.

But another struggle on the same point ensued when our victorious armies returned from Mexico and it devolved on Congress to provide for the territories acquired by the treaty of Guadalupe Hidalgo. The great relations of the subject had now become distinct and clear to the perception of the public mind, which appreciated the evils of sectional controversy upon the question of the admission of new States. In that crisis intense solicitude pervaded the nation. But the patriotic impulses of the popular heart, guided by the admonitory advice of the Father of his Country, rose superior to all the difficulties of the incorporation of a new empire into the Union. In the counsels of Congress there was manifested extreme antagonism of opinion and action between some Representatives, who sought by the abusive and unconstitutional employment of the legislative powers of the Government to interfere in the condition of the inchoate States and to impose their own social theories upon the latter, and other Representatives, who repelled the interposition of the General Government in this respect and maintained the self-constituting rights of the States. In truth, the thing attempted was in form alone action of the General Government, while in reality it was the endeavor, by abuse of legislative power, to force the ideas of internal policy entertained in particular States upon allied independent States. Once more the Constitution and the Union triumphed signally. The new territories were organized without restrictions on the disputed point, and were thus left to judge in that particular for themselves; and the sense of constitutional faith proved vigorous enough in Congress not only to accomplish this primary object, but also the incidental and hardly less important one of so amending the provisions of the statute for the extradition of fugitives from service as to place that public duty under the safeguard of the General Government, and thus relieve it from obstacles raised up by the legislation of some of the States.

Vain declamation regarding the provisions of law for the extradition of fugitives from service, with occasional episodes of frantic effort to obstruct their execution by riot and murder, continued for a brief time

to agitate certain localities. But the true principle of leaving each State and Territory to regulate its own laws of labor according to its own sense of right and expediency had acquired fast hold of the public judgment, to such a degree that by common consent it was observed in the organization of the Territory of Washington.

When, more recently, it became requisite to organize the Territories of Nebraska and Kansas, it was the natural and legitimate, if not the inevitable, consequence of previous events and legislation that the same great and sound principle which had already been applied to Utah and New Mexico should be applied to them—that they should stand exempt from the restrictions proposed in the act relative to the State of Missouri.

These restrictions were, in the estimation of many thoughtful men, null from the beginning, unauthorized by the Constitution, contrary to the treaty stipulations for the cession of Louisiana, and inconsistent with the equality of these States.

They had been stripped of all moral authority by persistent efforts to procure their indirect repeal through contradictory enactments. They had been practically abrogated by the legislation attending the organization of Utah, New Mexico, and Washington. If any vitality remained in them it would have been taken away, in effect, by the new Territorial acts in the form originally proposed to the Senate at the first session of the last Congress. It was manly and ingenuous, as well as patriotic and just, to do this directly and plainly, and thus relieve the statute book of an act which might be of possible future injury, but of no possible future benefit; and the measure of its repeal was the final consummation and complete recognition of the principle that no portion of the United States shall undertake through assumption of the powers of the General Government to dictate the social institutions of any other portion.

The scope and effect of the language of repeal were not left in doubt. It was declared in terms to be "the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

The measure could not be withstood upon its merits alone. It was attacked with violence on the false or delusive pretext that it constituted a breach of faith. Never was objection more utterly destitute of substantial justification. When before was it imagined by sensible men that a regulative or declarative statute, whether enacted ten or forty years ago, is irrepealable; that an act of Congress is above the Constitution? If, indeed, there were in the facts any cause to impute bad faith, it would attach to those only who have never ceased, from the time of the enactment of the restrictive provision to the present day, to denounce and condemn it; who have constantly refused to complete it by needful supplementary legislation; who have spared no exertion to deprive it of moral force; who

have themselves again and again attempted its repeal by the enactment of incompatible provisions, and who, by the inevitable reactionary effect of their own violence on the subject, awakened the country to perception of the true constitutional principle of leaving the matter involved to the discretion of the people of the respective existing or incipient States.

It is not pretended that this principle or any other precludes the possibility of evils in practice, disturbed, as political action is liable to be, by human passions. No form of government is exempt from inconveniences; but in this case they are the result of the abuse, and not of the legitimate exercise, of the powers reserved or conferred in the organization of a Territory. They are not to be charged to the great principle of popular sovereignty. On the contrary, they disappear before the intelligence and patriotism of the people, exerting through the ballot box their peaceful and silent but irresistible power.

If the friends of the Constitution are to have another struggle, its enemies could not present a more acceptable issue than that of a State whose constitution clearly embraces "a republican form of government" being excluded from the Union because its domestic institutions may not in all respects comport with the ideas of what is wise and expedient entertained in some other State. Fresh from groundless imputations of breach of faith against others, men will commence the agitation of this new question with indubitable violation of an express compact between the independent sovereign powers of the United States and of the Republic of Texas, as well as of the older and equally solemn compacts which assure the equality of all the States.

But deplorable as would be such a violation of compact in itself and in all its direct consequences, that is the very least of the evils involved. When sectional agitators shall have succeeded in forcing on this issue, can their pretensions fail to be met by counter pretensions? Will not different States be compelled, respectively, to meet extremes with extremes? And if either extreme carry its point, what is that so far forth but dissolution of the Union? If a new State, formed from the territory of the United States, be absolutely excluded from admission therein, that fact of itself constitutes the disruption of union between it and the other States. But the process of dissolution could not stop there. Would not a sectional decision producing such result by a majority of votes, either Northern or Southern, of necessity drive out the oppressed and aggrieved minority and place in presence of each other two irreconcilably hostile confederations?

It is necessary to speak thus plainly of projects the offspring of that sectional agitation now prevailing in some of the States, which are as impracticable as they are unconstitutional, and which if persevered in must and will end calamitously. It is either disunion and civil war or it is mere angry, idle, aimless disturbance of public peace and tranquillity. Disunion for what? If the passionate rage of fanaticism and partisan

spirit did not force the fact upon our attention, it would be difficult to believe that any considerable portion of the people of this enlightened country could have so surrendered themselves to a fanatical devotion to the supposed interests of the relatively few Africans in the United States as totally to abandon and disregard the interests of the 25,000,000 Americans; to trample under foot the injunctions of moral and constitutional obligation, and to engage in plans of vindictive hostility against those who are associated with them in the enjoyment of the common heritage of our national institutions.

Nor is it hostility against their fellow-citizens of one section of the Union alone. The interests, the honor, the duty, the peace, and the prosperity of the people of all sections are equally involved and imperiled in this question. And are patriotic men in any part of the Union prepared on such issue thus madly to invite all the consequences of the forfeiture of their constitutional engagements? It is impossible. The storm of frenzy and faction must inevitably dash itself in vain against the unshaken rock of the Constitution. I shall never doubt it. I know that the Union is stronger a thousand times than all the wild and chimerical schemes of social change which are generated one after another in the unstable minds of visionary sophists and interested agitators. I rely confidently on the patriotism of the people, on the dignity and self-respect of the States, on the wisdom of Congress, and, above all, on the continued gracious favor of Almighty God to maintain against all enemies, whether at home or abroad, the sanctity of the Constitution and the integrity of the Union.

FRANKLIN PIERCE.

SPECIAL MESSAGES.

WASHINGTON, *December 26, 1855.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 17th instant, I send herewith the "memorial of citizens of New Orleans, complaining of the irregularity of the mail service between Washington and New Orleans." I deem it proper also to transmit with the memorial my note of the 18th instant to the memorialists and a copy of the letter of the Postmaster-General therein referred to.

FRANKLIN PIERCE.

WASHINGTON, *December 27, 1855.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and Nicaragua, signed at Granada on the 20th day of June, A. D. 1855.

FRANKLIN PIERCE.

WASHINGTON, *December 27, 1855.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and the Kingdom of the Two Sicilies and a declaration as to the construction thereof, both signed at Naples on the 1st day of October last.

FRANKLIN PIERCE.

WASHINGTON, *December 27, 1855.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and His Majesty the King of the Hawaiian Islands, signed in Washington the 20th day of July, A. D. 1855.

FRANKLIN PIERCE.

WASHINGTON CITY, *January 3, 1856.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, the following-described Indian treaties, negotiated by George W. Manypenny and Henry C. Gilbert, as commissioners on the part of the United States:

A. Treaty with the Chippewas of Saginaw, Swan Creek, and Black River, dated 2d August, 1855.

B. Treaty with the Chippewas of Sault Ste. Marie, dated August 2, 1855.

C. Treaty with the Ottawas and Chippewas, dated July 31, 1855.

FRANKLIN PIERCE.

WASHINGTON, *January 11, 1856.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, with the accompanying document,* in answer to their resolution of yesterday.

FRANKLIN PIERCE.

WASHINGTON CITY, *January 21, 1856.*

To the Senate of the United States:

I communicate to the Senate herewith a letter from the Secretary of the Interior, accompanying six several treaties negotiated by Governor Meriwether, of New Mexico, with the Indians in that Territory, for its constitutional action thereon.

FRANKLIN PIERCE.

*Letter of Lord John Russell declaring that the British Government intends to adhere to the treaty of Washington of April 19, 1850, and not to assume any sovereignty in Central America.

WASHINGTON, *January 23, 1856.*

To the Senate of the United States:

I communicate herewith to the Senate, for its constitutional action thereon, a treaty between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded in this city on the 22d day of June, 1855.

FRANKLIN PIERCE.

WASHINGTON, *January 24, 1856.*

To the Senate and House of Representatives:

Circumstances have occurred to disturb the course of governmental organization in the Territory of Kansas and produce there a condition of things which renders it incumbent on me to call your attention to the subject and urgently to recommend the adoption by you of such measures of legislation as the grave exigencies of the case appear to require.

A brief exposition of the circumstances referred to and of their causes will be necessary to the full understanding of the recommendations which it is proposed to submit.

The act to organize the Territories of Nebraska and Kansas was a manifestation of the legislative opinion of Congress on two great points of constitutional construction: One, that the designation of the boundaries of a new Territory and provision for its political organization and administration as a Territory are measures which of right fall within the powers of the General Government; and the other, that the inhabitants of any such Territory, considered as an inchoate State, are entitled, in the exercise of self-government, to determine for themselves what shall be their own domestic institutions, subject only to the Constitution and the laws duly enacted by Congress under it and to the power of the existing States to decide, according to the provisions and principles of the Constitution, at what time the Territory shall be received as a State into the Union. Such are the great political rights which are solemnly declared and affirmed by that act.

Based upon this theory, the act of Congress defined for each Territory the outlines of republican government, distributing public authority among lawfully created agents—executive, judicial, and legislative—to be appointed either by the General Government or by the Territory. The legislative functions were intrusted to a council and a house of representatives, duly elected, and empowered to enact all the local laws which they might deem essential to their prosperity, happiness, and good government. Acting in the same spirit, Congress also defined the persons who were in the first instance to be considered as the people of each Territory, enacting that every free white male inhabitant of the same above the age of 21 years, being an actual resident thereof and possessing the qualifications hereafter described, should be entitled to vote at the first election and be eligible to any office within the Terri-

tory, but that the qualifications of voters and holding office at all subsequent elections should be such as might be prescribed by the legislative assembly; provided, however, that the right of suffrage and of holding office should be exercised only by citizens of the United States and those who should have declared on oath their intention to become such and have taken an oath to support the Constitution of the United States and the provisions of the act; and provided further, that no officer, soldier, seaman, or marine or other person in the Army or Navy of the United States or attached to troops in their service should be allowed to vote or hold office in either Territory by reason of being on service therein.

Such of the public officers of the Territories as by the provisions of the act were to be appointed by the General Government, including the governors, were appointed and commissioned in due season, the law having been enacted on the 30th of May, 1854, and the commission of the governor of the Territory of Nebraska being dated on the 2d day of August, 1854, and of the Territory of Kansas on the 29th day of June, 1854. Among the duties imposed by the act on the governors was that of directing and superintending the political organization of the respective Territories.

The governor of Kansas was required to cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as he might designate and appoint; to appoint and direct the time and places of holding the first elections, and the manner of conducting them, both as to the persons to superintend such elections and the returns thereof; to declare the number of the members of the council and the house of representatives for each county or district; to declare what persons might appear to be duly elected, and to appoint the time and place of the first meeting of the legislative assembly. In substance, the same duties were devolved on the governor of Nebraska.

While by this act the principle of constitution for each of the Territories was one and the same and the details of organic legislation regarding both were as nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 16th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local maladministration and partly of the unjustifiable interference of the inhabitants of some of the States, foreign by residence, interests, and rights to the Territory.

The governor of the Territory of Kansas, commissioned as before stated, on the 29th of June, 1854, did not reach the designated seat of his government until the 7th of the ensuing October, and even then failed to make the first step in its legal organization, that of ordering the census or

enumeration of its inhabitants, until so late a day that the election of the members of the legislative assembly did not take place until the 30th of March, 1855, nor its meeting until the 2d of July, 1855. So that for a year after the Territory was constituted by the act of Congress and the officers to be appointed by the Federal Executive had been commissioned it was without a complete government, without any legislative authority, without local law, and, of course, without the ordinary guaranties of peace and public order.

In other respects the governor, instead of exercising constant vigilance and putting forth all his energies to prevent or counteract the tendencies to illegality which are prone to exist in all imperfectly organized and newly associated communities, allowed his attention to be diverted from official obligations by other objects, and himself set an example of the violation of law in the performance of acts which rendered it my duty in the sequel to remove him from the office of chief executive magistrate of the Territory.

Before the requisite preparation was accomplished for election of a Territorial legislature, an election of Delegate to Congress had been held in the Territory on the 29th day of November, 1854, and the Delegate took his seat in the House of Representatives without challenge. If arrangements had been perfected by the governor so that the election for members of the legislative assembly might be held in the several precincts at the same time as for Delegate to Congress, any question appertaining to the qualification of the persons voting as people of the Territory would have passed necessarily and at once under the supervision of Congress, as the judge of the validity of the return of the Delegate, and would have been determined before conflicting passions had become inflamed by time, and before opportunity could have been afforded for systematic interference of the people of individual States.

This interference, in so far as concerns its primary causes and its immediate commencement, was one of the incidents of that pernicious agitation on the subject of the condition of the colored persons held to service in some of the States which has so long disturbed the repose of our country and excited individuals, otherwise patriotic and law abiding, to toil with misdirected zeal in the attempt to propagate their social theories by the perversion and abuse of the powers of Congress.

The persons and the parties whom the tenor of the act to organize the Territories of Nebraska and Kansas thwarted in the endeavor to impose, through the agency of Congress, their particular views of social organization on the people of the future new States now perceiving that the policy of leaving the inhabitants of each State to judge for themselves in this respect was ineradicably rooted in the convictions of the people of the Union, then had recourse, in the pursuit of their general object, to the extraordinary measure of propagandist colonization of the Territory of Kansas to prevent the free and natural action of its inhabitants in its

MORMON TEMPLE AND TABERNACLE—YOUNG'S MILL—A MORMON FAMILY

BRIGHAM YOUNG MUSTERING ARMY TO OPPOSE U. S. TROOPS

THE MORMONS (LATTER DAY SAINTS).

The Mormon sect originated with Joseph Smith, who, at the age of 15, claimed to have seen divine visions while living in Ontario County, N. Y. From revelations made to him, he dictated the Book of Mormon, or Golden Bible, which consists of sixteen books, written largely in the diction of the Saint James version of the Bible, and composed of utterances claimed to have been written down at different periods by different prophets. In 1832, Brigham Young of Vermont joined the sect, and soon became its virtual leader. After trouble with the authorities in Ohio, Missouri, and Illinois, 143 families set out for the West in 1847, and after many hardships settled Salt Lake City in Utah. In 1852, the Mormons announced publicly that they were practising polygamy, according to what Young claimed was a divine revelation given him in 1843. When Utah became a United States territory, the Mormons resisted the authority of the United States, and had to be subdued by a military expedition in 1856. The government had constant trouble with the Mormons because of polygamous practises, until they agreed in 1890 to yield to a Supreme Court opinon declaring the anti-polygamy statute of the United States to be legal. In a recent year the Mormon creed in the United States possessed 624 church buildings, with a membership of 215,796. (See article Mormons in Encyclopedic Index.)

internal organization, and thus to anticipate or to force the determination of that question in this inchoate State.

With such views associations were organized in some of the States, and their purposes were proclaimed through the press in language extremely irritating and offensive to those of whom the colonists were to become the neighbors. Those designs and acts had the necessary consequence to awaken emotions of intense indignation in States near to the Territory of Kansas, and especially in the adjoining State of Missouri, whose domestic peace was thus the most directly endangered; but they are far from justifying the illegal and reprehensible countermovements which ensued.

Under these inauspicious circumstances the primary elections for members of the legislative assembly were held in most, if not all, of the precincts at the time and the places and by the persons designated and appointed by the governor according to law.

Angry accusations that illegal votes had been polled abounded on all sides, and imputations were made both of fraud and violence. But the governor, in the exercise of the power and the discharge of the duty conferred and imposed by law on him alone, officially received and considered the returns, declared a large majority of the members of the council and the house of representatives "duly elected," withheld certificates from others because of alleged illegality of votes, appointed a new election to supply the places of the persons not certified, and thus at length, in all the forms of statute, and with his own official authentication, complete legality was given to the first legislative assembly of the Territory.

Those decisions of the returning officers and of the governor are final, except that by the parliamentary usage of the country applied to the organic law it may be conceded that each house of the assembly must have been competent to determine in the last resort the qualifications and the election of its members. The subject was by its nature one appertaining exclusively to the jurisdiction of the local authorities of the Territory. Whatever irregularities may have occurred in the elections, it seems too late now to raise that question. At all events, it is a question as to which, neither now nor at any previous time, has the least possible legal authority been possessed by the President of the United States. For all present purposes the legislative body thus constituted and elected was the legitimate legislative assembly of the Territory.

Accordingly the governor by proclamation convened the assembly thus elected to meet at a place called Pawnee City; the two houses met and were duly organized in the ordinary parliamentary form; each sent to and received from the governor the official communications usual on such occasions; an elaborate message opening the session was communicated by the governor, and the general business of legislation was entered upon by the legislative assembly.

But after a few days the assembly resolved to adjourn to another place in the Territory. A law was accordingly passed, against the consent of the governor, but in due form otherwise, to remove the seat of government temporarily to the "Shawnee Manual Labor School" (or mission), and thither the assembly proceeded. After this, receiving a bill for the establishment of a ferry at the town of Kickapoo, the governor refused to sign it, and by special message assigned for reason of refusal not anything objectionable in the bill itself nor any pretense of the illegality or incompetency of the assembly as such, but only the fact that the assembly had by its act transferred the seat of government temporarily from Pawnee City to the Shawnee Mission. For the same reason he continued to refuse to sign other bills until in the course of a few days he by official message communicated to the assembly the fact that he had received notification of the termination of his functions as governor, and that the duties of the office were legally devolved on the secretary of the Territory; thus to the last recognizing the body as a duly elected and constituted legislative assembly.

It will be perceived that if any constitutional defect attached to the legislative acts of the assembly it is not pretended to consist in irregularity of election or want of qualification of the members, but only in the change of its place of session. However trivial this objection may seem to be, it requires to be considered, because upon it is founded all that superstructure of acts, plainly against law, which now threaten the peace, not only of the Territory of Kansas, but of the Union.

Such an objection to the proceedings of the legislative assembly was of exceptionable origin, for the reason that by the express terms of the organic law the seat of government of the Territory was "located temporarily at Fort Leavenworth;" and yet the governor himself remained there less than two months, and of his own discretion transferred the seat of government to the Shawnee Mission, where it in fact was at the time the assembly were called to meet at Pawnee City. If the governor had any such right to change temporarily the seat of government, still more had the legislative assembly. The objections are of exceptionable origin for the further reason that the place indicated by the governor, without having any exclusive claim of preference in itself, was a proposed town site only, which he and others were attempting to locate unlawfully upon land within a military reservation, and for participation in which illegal act the commandant of the post, a superior officer in the Army, has been dismissed by sentence of court-martial. Nor is it easy to see why the legislative assembly might not with propriety pass the Territorial act transferring its sittings to the Shawnee Mission. If it could not, that must be on account of some prohibitory or incompatible provision of act of Congress; but no such provision exists. The organic act, as already quoted, says "the seat of government is hereby located temporarily at Fort Leavenworth;" and it then provides that certain of the

public buildings there "may be occupied and used under the direction of the governor and legislative assembly." These expressions might possibly be construed to imply that when, in a previous section of the act, it was enacted that "the first legislative assembly shall meet at such place and on such day as the governor shall appoint," the word "place" means place at Fort Leavenworth, not place anywhere in the Territory. If so, the governor would have been the first to err in this matter, not only in himself having removed the seat of government to the Shawnee Mission, but in again removing it to Pawnee City. If there was any departure from the letter of the law, therefore, it was his in both instances. But however this may be, it is most unreasonable to suppose that by the terms of the organic act Congress intended to do impliedly what it has not done expressly—that is, to forbid to the legislative assembly the power to choose any place it might see fit as the temporary seat of its deliberations. That is proved by the significant language of one of the subsequent acts of Congress on the subject—that of March 3, 1855—which, in making appropriation for public buildings of the Territory, enacts that the same shall not be expended "until the legislature of said Territory shall have fixed by law the permanent seat of government." Congress in these expressions does not profess to be granting the power to fix the permanent seat of government, but recognizes the power as one already granted. But how? Undoubtedly by the comprehensive provision of the organic act itself, which declares that "the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act." If in view of this act the legislative assembly had the large power to fix the permanent seat of government at any place in its discretion, of course by the same enactment it had the less and the included power to fix it temporarily.

Nevertheless, the allegation that the acts of the legislative assembly were illegal by reason of this removal of its place of session was brought forward to justify the first great movement in disregard of law within the Territory. One of the acts of the legislative assembly provided for the election of a Delegate to the present Congress, and a Delegate was elected under that law. But subsequently to this a portion of the people of the Territory proceeded without authority of law to elect another Delegate.

Following upon this movement was another and more important one of the same general character. Persons confessedly not constituting the body politic or all the inhabitants, but merely a party of the inhabitants, and without law, have undertaken to summon a convention for the purpose of transforming the Territory into a State, and have framed a constitution, adopted it, and under it elected a governor and other officers and a Representative to Congress. In extenuation of these illegal acts it is alleged that the States of California, Michigan, and others were self-organized, and as such were admitted into the Union without a previous

enabling act of Congress. It is true that while in a majority of cases a previous act of Congress has been passed to authorize the Territory to present itself as a State, and that this is deemed the most regular course, yet such an act has not been held to be indispensable, and in some cases the Territory has proceeded without it, and has nevertheless been admitted into the Union as a State. It lies with Congress to authorize beforehand or to confirm afterwards, in its discretion. But in no instance has a State been admitted upon the application of persons acting against authorities duly constituted by act of Congress. In every case it is the people of the Territory, not a party among them, who have the power to form a constitution and ask for admission as a State. No principle of public law, no practice or precedent under the Constitution of the United States, no rule of reason, right, or common sense, confers any such power as that now claimed by a mere party in the Territory. In fact what has been done is of revolutionary character. It is avowedly so in motive and in aim as respects the local law of the Territory. It will become treasonable insurrection if it reach the length of organized resistance by force to the fundamental or any other Federal law and to the authority of the General Government. In such an event the path of duty for the Executive is plain. The Constitution requiring him to take care that the laws of the United States be faithfully executed, if they be opposed in the Territory of Kansas he may, and should, place at the disposal of the marshal any public force of the United States which happens to be within the jurisdiction, to be used as a portion of the *posse comitatus;* and if that do not suffice to maintain order, then he may call forth the militia of one or more States for that object, or employ for the same object any part of the land or naval force of the United States. So, also, if the obstruction be to the laws of the Territory, and it be duly presented to him as a case of insurrection, he may employ for its suppression the militia of any State or the land or naval force of the United States. And if the Territory be invaded by the citizens of other States, whether for the purpose of deciding elections or for any other, and the local authorities find themselves unable to repel or withstand it, they will be entitled to, and upon the fact being fully ascertained they shall most certainly receive, the aid of the General Government.

But it is not the duty of the President of the United States to volunteer interposition by force to preserve the purity of elections either in a State or Territory. To do so would be subversive of public freedom. And whether a law be wise or unwise, just or unjust, is not a question for him to judge. If it be constitutional—that is, if it be the law of the land—it is his duty to cause it to be executed, or to sustain the authorities of any State or Territory in executing it in opposition to all insurrectionary movements.

Our system affords no justification of revolutionary acts, for the constitutional means of relieving the people of unjust administration and

laws, by a change of public agents and by repeal, are ample, and more prompt and effective than illegal violence. These means must be scrupulously guarded, this great prerogative of popular sovereignty sacredly respected.

It is the undoubted right of the peaceable and orderly people of the Territory of Kansas to elect their own legislative body, make their own laws, and regulate their own social institutions, without foreign or domestic molestation. Interference on the one hand to procure the abolition or prohibition of slave labor in the Territory has produced mischievous interference on the other for its maintenance or introduction. One wrong begets another. Statements entirely unfounded, or grossly exaggerated, concerning events within the Territory are sedulously diffused through remote States to feed the flame of sectional animosity there, and the agitators there exert themselves indefatigably in return to encourage and stimulate strife within the Territory.

The inflammatory agitation, of which the present is but a part, has for twenty years produced nothing save unmitigated evil, North and South. But for it the character of the domestic institutions of the future new State would have been a matter of too little interest to the inhabitants of the contiguous States, personally or collectively, to produce among them any political emotion. Climate, soil, production, hopes of rapid advancement and the pursuit of happiness on the part of the settlers themselves, with good wishes, but with no interference from without, would have quietly determined the question which is at this time of such disturbing character.

But we are constrained to turn our attention to the circumstances of embarrassment as they now exist. It is the duty of the people of Kansas to discountenance every act or purpose of resistance to its laws. Above all, the emergency appeals to the citizens of the States, and especially of those contiguous to the Territory, neither by intervention of nonresidents in elections nor by unauthorized military force to attempt to encroach upon or usurp the authority of the inhabitants of the Territory.

No citizen of our country should permit himself to forget that he is a part of its Government and entitled to be heard in the determination of its policy and its measures, and that therefore the highest considerations of personal honor and patriotism require him to maintain by whatever of power or influence he may possess the integrity of the laws of the Republic.

Entertaining these views, it will be my imperative duty to exert the whole power of the Federal Executive to support public order in the Territory; to vindicate its laws, whether Federal or local, against all attempts of organized resistance, and so to protect its people in the establishment of their own institutions, undisturbed by encroachment from without, and in the full enjoyment of the rights of self-government assured to them by the Constitution and the organic act of Congress.

Although serious and threatening disturbances in the Territory of Kansas, announced to me by the governor in December last, were speedily quieted without the effusion of blood and in a satisfactory manner, there is, I regret to say, reason to apprehend that disorders will continue to occur there, with increasing tendency to violence, until some decisive measure be taken to dispose of the question itself which constitutes the inducement or occasion of internal agitation and of external interference.

This, it seems to me, can best be accomplished by providing that when the inhabitants of Kansas may desire it and shall be of sufficient number to constitute a State, a convention of delegates, duly elected by the qualified voters, shall assemble to frame a constitution, and thus to prepare through regular and lawful means for its admission into the Union as a State.

I respectfully recommend the enactment of a law to that effect.

I recommend also that a special appropriation be made to defray any expense which may become requisite in the execution of the laws or the maintenance of public order in the Territory of Kansas.

FRANKLIN PIERCE.

WASHINGTON, *January 25, 1856.*

To the Senate of the United States:

By the inclosed letter of the Secretary of the Treasury it appears that $24,233 belonging to the Chickasaw Indians should be invested in stocks of the United States, by and with the advice and consent of the Senate. I therefore recommend that the necessary authority be given for that purpose.

FRANKLIN PIERCE.

WASHINGTON, *January 28, 1856.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, in answer to the resolution of the Senate of the 10th of January, calling for the correspondence between the Secretary of State and Edward Worrell while the latter was acting as consul at Matanzas in relation to the estates of deceased American citizens on the island of Cuba.

FRANKLIN PIERCE.

To the Senate: WASHINGTON, *January, 1856.*

I transmit herewith a copy of the "proceedings of the court-martial in the case of Colonel Montgomery, of the United States Army," as requested by the resolution of the Senate of the 7th instant.

FRANKLIN PIERCE.

WASHINGTON, *February 5, 1856.*

To the Senate of the United States:

In further compliance with the Senate's resolution adopted in executive session on the 15th January last, in respect to the correspondence relating to the estates of deceased American citizens on the island of Cuba, I transmit a report from the Secretary of State, with the papers which accompanied it.

FRANKLIN PIERCE.

WASHINGTON, *February 14, 1856.*

To the Senate of the United States:

I transmit a report from the Secretary of State, in answer to the resolution of the Senate of the 17th ultimo, requesting transcripts of certain correspondence and other papers touching the Republics of Nicaragua and Costa Rica, the Mosquito Indians, and the convention between the United States and Great Britain of April 19, 1850.

FRANKLIN PIERCE.

WASHINGTON, *February 18, 1856.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 4th instant, requesting transcripts of certain papers relative to the affairs of the Territory of Kansas, I transmit a report from the Secretary of State and the documents which accompanied it.

FRANKLIN PIERCE.

WASHINGTON, *February 21, 1856.*

To the Senate of the United States:

I communicate herewith a report of the Secretary of War and accompanying documents, also of the Secretary of the Navy and accompanying documents, in answer to a resolution of the Senate passed the 11th February, "that the President of the United States be requested to communicate to the Senate copies of all the correspondence between the different Departments of the Government and the officers of the Army and Navy (not heretofore communicated) on the Pacific Coast touching the Indian disturbances in California, Oregon, and Washington."

FRANKLIN PIERCE.

WASHINGTON, *February 25, 1856.*

To the Senate and House of Representatives:

I transmit a copy of a letter of the 7th of March last from the acting commissioner of the United States in China, and of the regulations and notification which accompanied it, for such revision thereof as Congress may deem expedient, pursuant to the sixth section of the act approved 11th of August, 1848.

FRANKLIN PIERCE.

WASHINGTON, *February 25, 1856.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, a treaty made and concluded on the 17th October, 1855, by and between A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the Blackfeet and other tribes of Indians on the Upper Missouri and Yellowstone rivers.

FRANKLIN PIERCE.

WASHINGTON, *February 26, 1856.*

To the Senate and House of Representatives of the United States:

I herewith transmit and recommend to the favorable consideration of Congress a communication from the Secretary of War, asking a special appropriation of $3,000,000 to prepare armaments and ammunition for the fortifications, to increase the supply of improved small arms, and to apply recent improvements to arms of old patterns belonging to the United States and the several States.

FRANKLIN PIERCE.

WASHINGTON, *February 27, 1856.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 25th instant, I transmit reports* from the Secretary of State and the Attorney-General, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *February 29, 1856.*

To the Senate of the United States:

I transmit a report from the Secretary of State, with accompanying papers,† in answer to the resolution of the Senate of yesterday.

FRANKLIN PIERCE.

WASHINGTON, *March 4, 1856.*

To the House of Representatives:

I transmit a report on the commercial relations of the United States with all foreign nations, in answer to the resolution of the House of Representatives of December 14, 1853.

FRANKLIN PIERCE.

*Relating to the enlistment of soldiers within the United States by agents of the British Government.

†Relating to an offer of the British Government to refer to the arbitrament of some friendly power the questions of difference between the United States and Great Britain upon the construction of the convention of April 19, 1850.

WASHINGTON, *March 4, 1856.*

To the Senate of the United States:

I herewith communicate to the Senate, for its constitutional action thereon, two treaties recently negotiated by Francis Huebochmann, the superintendent of Indian affairs for the northern superintendency, one with the Menominee Indians and the other with the Stockbridge and Munsee Indians, and more particularly referred to in the accompanying communications of the Secretary of the Interior of this date.

FRANKLIN PIERCE.

WASHINGTON, *March 5, 1856.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 21st ultimo, I transmit herewith a report from the Secretary of the Interior, with accompanying papers.*

FRANKLIN PIERCE.

EXECUTIVE OFFICE, *March 5, 1856.*

To the Senate and House of Representatives of the United States:

I present herewith a communication from the Secretary of the Interior, in relation to Indian disturbances in the Territories of Oregon and Washington, and recommending an immediate appropriation of $300,000.

I commend this subject to your early consideration.

FRANKLIN PIERCE.

WASHINGTON, *March 5, 1856.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 26th ultimo, requesting information in regard to the site selected for the building to be used for the preservation of the ordnance, arms, etc., of the United States, under the act approved March 3, 1855, I transmit a letter from the Secretary of War, with an accompanying report of the Chief of Ordnance, containing the information.

FRANKLIN PIERCE.

WASHINGTON, *March 10, 1856.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 21st ultimo, requesting the President of the United States to "communicate to the Senate any correspondence which may have taken place between the Illinois Central Railroad Company and any of the Departments of the Government," etc., I transmit herewith communications from the Secretary of the Treasury and from the Postmaster-General, together with the accompanying papers.*

FRANKLIN PIERCE.

*Correspondence relative to transportation of the mails, etc., over the Illinois Central Railroad.

WASHINGTON, *March 14, 1856.*

To the House of Representatives:

I herewith communicate to the House of Representatives, in compliance with their resolution of the 28th ultimo, a report from the Secretary of the Interior, containing such information as is in possession of his Department touching the cause of the difficulties existing between the Creek and Seminole Indians since their emigration west of the Mississippi River.

FRANKLIN PIERCE.

To the House of Representatives:

I herewith transmit to the House of Representatives a report of the Secretary of War, with copies prepared in compliance with a resolution of the House of the 28th ultimo, requesting "copies of all correspondence, documents, and papers in relation to the compensation and emoluments of Brevet Lieutenant-General Scott under the joint resolution of Congress approved February 15, 1855."

FRANKLIN PIERCE.

MARCH 17, 1856.

WASHINGTON, *March 17, 1856.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 27th ultimo, on the subject of correspondence between this Government and that of Great Britain touching the Clayton and Bulwer convention, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *March 17, 1856.*

To the Senate and House of Representatives:

I transmit to Congress the copy of a correspondence which has recently taken place between Her Britannic Majesty's minister accredited to this Government and the Secretary of State, in order that the expediency of sanctioning the acceptance by the officers of the United States who were in the American expedition in search of Sir John Franklin of such token of thankfulness as may be offered to them on the part of Her Majesty's Government for their services on the occasion referred to may be taken into consideration.

FRANKLIN PIERCE.

WASHINGTON, *March 20, 1856.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 26th ultimo, I herewith communicate "a copy of the report, with the maps, of an

exploration of the Big Witchitaw and the head waters of the Brazos rivers, made by Captain R. B. Marcy, of the United States Army, while engaged in locating lands for the Indians of Texas in the year 1854."

FRANKLIN PIERCE.

WASHINGTON, *March 24, 1856.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 18th of last month, requesting the transmission of documents touching the affairs of the Territory of Kansas, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

EXECUTIVE OFFICE,
Washington, March 24, 1856.

Hon. NATHANIEL P. BANKS,
Speaker of the House of Representatives:

I herewith transmit to the House of Representatives, in obedience to their resolution of the 17th instant, a communication from the Secretary of the Interior, accompanied by a copy of the report of Superintendent Cumming in regard to his late expedition among the tribes of Indians on the Upper Missouri.

FRANKLIN PIERCE.

WASHINGTON, *April 1, 1856.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and the Grand Duchy of Baden for the mutual surrender of fugitive criminals, concluded at Berlin on the 10th ultimo.

FRANKLIN PIERCE.

WASHINGTON, *April 3, 1856.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 27th ultimo, requesting additional documents relating to the condition of affairs in Kansas Territory, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *April 9, 1856.*

To the Senate and House of Representatives:

In execution of an act of Congress entitled "An act to provide for the accommodation of the courts of the United States for the district of Maryland and for a post-office at Baltimore city, Md.," approved February 17,

1855, I communicate herewith, for the consideration of Congress, copies of conditional contracts which I have caused to be executed for two sites, with buildings thereon, together with plans and estimates for fitting up and furnishing the same.

FRANKLIN PIERCE.

WASHINGTON, *April 9, 1856.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying document,* in compliance with the resolution of the House of Representatives of the 4th instant.

FRANKLIN PIERCE.

WASHINGTON, *April 10, 1856.*

To the Senate of the United States:

I transmit herewith a report of the Secretary of the Interior, with accompanying documents, in compliance with a resolution of the Senate of the 6th ultimo. The documents, it is believed, contain all the information in the Executive Departments upon the subject† to which the resolution refers.

FRANKLIN PIERCE.

WASHINGTON, *April, 1856.*

To the Senate and House of Representatives of the United States:

I communicate to Congress herewith a letter from the Secretary of the Interior and a copy of a conditional contract entered into, under instructions from that Department, for the purchase of a lot and the building thereon, for the use of the United States courts at Philadelphia, in the State of Pennsylvania, and recommend that an appropriation of $78,000 be made to complete the same.

FRANKLIN PIERCE.

WASHINGTON, *April 14, 1856.*

To the Senate of the United States:

I transmit herewith the report of the Secretary of War, with the accompanying documents, in answer to the resolution of the Senate of the 7th instant, respecting "the steps pursued in execution of the clause of the act making appropriations for the civil and diplomatic expenses of the Government, approved March 3, 1855, which provides for the construction of an armory for the District of Columbia."

The selection of the site was made after a full hearing of the parties interested and a personal examination by myself of all the sites suggested as suitable for the purpose.

* Dispatch from the United States minister at Naples relative to the saving from shipwreck of certain American vessels and their crews by officers of the Neapolitan navy and marine service.

† Claim of Richard W. Thompson for alleged services to the Menominee Indians.

It will be perceived upon an examination of the accompanying documents that although two additional purposes were added by Congress after the estimate of the War Department was made, and the expense of the structure consequently increased, still by the terms of my indorsement on the report of the colonel of ordnance fixing the site, the size and arrangement of the building were to be such that it could be *completed* without exceeding the appropriation of $30,000, and that this requirement has been strictly adhered to in every stage of the proceedings.

FRANKLIN PIERCE.

WASHINGTON, *April 14, 1856.*

To the Senate of the United States:

I transmit herewith the report of the Secretary of State, with the accompanying documents, in answer to the resolution of the Senate of the 20th ultimo, respecting the adjustment of the boundary line and the payment of the three millions under the treaty with Mexico of the 30th June [December], 1853.

FRANKLIN PIERCE.

WASHINGTON, *April 17, 1856.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith reports of the Secretaries of the War and Interior Departments, in response to the resolution of the House of Representatives of the 31st ultimo, calling for information in relation to the origin, progress, and present condition of Indian hostilities in the Territories of Oregon and Washington, and also of the means which have been adopted to preserve peace and protect the inhabitants of said Territories.

FRANKLIN PIERCE.

WASHINGTON, *April 29, 1856.*

To the Senate of the United States:

I transmit herewith the report of the Secretary of State, with the accompanying documents, in answer to the resolution of the Senate of the 24th February, 1855, in relation to the settlement of the controversy respecting the Lobos Islands.

FRANKLIN PIERCE.

WASHINGTON, *April 30, 1856.*

To the House of Representatives:

I transmit herewith to the House of Representatives a report* from the Secretary of State, in answer to their resolution of the 7th instant.

FRANKLIN PIERCE.

* Relating to indemnification by the Spanish Government of the captains, owners, and crews of the bark *Georgiana* and the brig *Susan Loud* for their capture and confiscation by the Spanish authorities.

WASHINGTON, *May 1, 1856.*

To the Senate and House of Representatives:

I communicate herewith a letter of the Postmaster-General, with accompanying correspondence, in relation to mail transportation between our Atlantic and Pacific possessions, and earnestly commend the subject to the early consideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *May 3, 1856.*

To the Senate of the United States:

I communicate herewith a letter from the Secretary of War, with accompanying papers, in response to a resolution of the Senate of the 21st ultimo, upon the subject of damages which will be "incurred by the United States in case of the repeal of so much of the act of March 3, 1855, as provides for the construction of an armory in the District of Columbia," and also a further answer from the Secretary of War to the resolution of the Senate of the 7th ultimo, requesting a full report of the steps pursued in execution of the clause of the act making appropriations for the civil and diplomatic expenses of the Government, approved March 2, 1855, which provides for the construction of the armory in this District before referred to.

FRANKLIN PIERCE.

WASHINGTON, *May 15, 1856.*

To the Senate and House of Representatives:

I transmit herewith reports of the Secretary of State, the Secretary of the Navy, and the Attorney-General, in reply to a resolution of the Senate of the 24th of March last, and also to a resolution of the House of Representatives of the 8th of May instant, both having reference to the routes of transit between the Atlantic and Pacific oceans through the Republics of New Granada and Nicaragua and to the condition of affairs in Central America.

These documents relate to questions of the highest importance and interest to the people of the United States.

The narrow isthmus which connects the continents of North and South America, by the facilities it affords for easy transit between the Atlantic and Pacific oceans, rendered the countries of Central America an object of special consideration to all maritime nations, which has been greatly augmented in modern times by the operation of changes in commercial relations, especially those produced by the general use of steam as a motive power by land and sea. To us, on account of its geographical position and of our political interest as an American State of primary magnitude, that isthmus is of peculiar importance, just as the Isthmus of Suez is, for corresponding reasons, to the maritime powers of Europe.

But above all, the importance to the United States of securing free transit across the American isthmus has rendered it of paramount interest to us since the settlement of the Territories of Oregon and Washington and the accession of California to the Union.

Impelled by these considerations, the United States took steps at an early day to assure suitable means of commercial transit by canal railway, or otherwise across this isthmus.

We concluded, in the first place, a treaty of peace, amity, navigation, and commerce with the Republic of New Granada, among the conditions of which was a stipulation on the part of New Granada guaranteeing to the United States the right of way or transit across that part of the Isthmus which lies in the territory of New Granada, in consideration of which the United States guaranteed in respect of the same territory the rights of sovereignty and property of New Granada.

The effect of this treaty was to afford to the people of the United States facilities for at once opening a common road from Chagres to Panama and for at length constructing a railway in the same direction, to connect regularly with steamships, for the transportation of mails, specie, and passengers to and fro between the Atlantic and Pacific States and Territories of the United States.

The United States also endeavored, but unsuccessfully, to obtain from the Mexican Republic the cession of the right of way at the northern extremity of the Isthmus by Tehuantepec, and that line of communication continues to be an object of solicitude to the people of this Republic.

In the meantime, intervening between the Republic of New Granada and the Mexican Republic lie the States of Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica, the several members of the former Republic of Central America. Here, in the territory of the Central American States, is the narrowest part of the Isthmus, and hither, of course, public attention has been directed as the most inviting field for enterprises of interoceanic communication between the opposite shores of America, and more especially to the territory of the States of Nicaragua and Honduras.

Paramount to that of any European State, as was the interest of the United States in the security and freedom of projected lines of travel across the Isthmus by the way of Nicaragua and Honduras, still we did not yield in this respect to any suggestions of territorial aggrandizement, or even of exclusive advantage, either of communication or of commerce. Opportunities had not been wanting to the United States to procure such advantage by peaceful means and with full and free assent of those who alone had any legitimate authority in the matter. We disregarded those opportunities from considerations alike of domestic and foreign policy, just as, even to the present day, we have persevered in a system of justice and respect for the rights and interests of others as well as our own in regard to each and all of the States of Central America.

It was with surprise and regret, therefore, that the United States learned a few days after the conclusion of the treaty of Guadalupe Hidalgo, by which the United States became, with the consent of the Mexican Republic, the rightful owners of California, and thus invested with augmented special interest in the political condition of Central America, that a military expedition, under the authority of the British Government, had landed at San Juan del Norte, in the State of Nicaragua, and taken forcible possession of that port, the necessary terminus of any canal or railway across the Isthmus within the territories of Nicaragua.

It did not diminish the unwelcomeness to us of this act on the part of Great Britain to find that she assumed to justify it on the ground of an alleged protectorship of a small and obscure band of uncivilized Indians, whose proper name had even become lost to history, who did not constitute a state capable of territorial sovereignty either in fact or of right, and all political interest in whom and in the territory they occupied Great Britain had previously renounced by successive treaties with Spain when Spain was sovereign to the country and subsequently with independent Spanish America.

Nevertheless, and injuriously affected as the United States conceived themselves to have been by this act of the British Government and by its occupation about the same time of insular and of continental portions of the territory of the State of Honduras, we remembered the many and powerful ties and mutual interests by which Great Britain and the United States are associated, and we proceeded in earnest good faith and with a sincere desire to do whatever might strengthen the bonds of peace between us to negotiate with Great Britain a convention to assure the perfect neutrality of all interoceanic communications across the Isthmus and, as the indispensable condition of such neutrality, the absolute independence of the States of Central America and their complete sovereignty within the limits of their own territory as well against Great Britain as against the United States. We supposed we had accomplished that object by the convention of April 19, 1850, which would never have been signed nor ratified on the part of the United States but for the conviction that in virtue of its provisions neither Great Britain nor the United States was thereafter to exercise any territorial sovereignty in fact or in name in any part of Central America, however or whensoever acquired, either before or afterwards. The essential object of the convention—the neutralization of the Isthmus—would, of course, become a nullity if either Great Britain or the United States were to continue to hold exclusively islands or mainland of the Isthmus, and more especially if, under any claim of protectorship of Indians, either Government were to remain forever sovereign in fact of the Atlantic shores of the three States of Costa Rica, Nicaragua, and Honduras.

I have already communicated to the two Houses of Congress full information of the protracted and hitherto fruitless efforts which the United

States have made to arrange this international question with Great Britain. It is referred to on the present occasion only because of its intimate connection with the special object now to be brought to the attention of Congress.

The unsettled political condition of some of the Spanish American Republics has never ceased to be regarded by this Government with solicitude and regret on their own account, while it has been the source of continual embarrassment in our public and private relations with them. In the midst of the violent revolutions and the wars by which they are continually agitated, their public authorities are unable to afford due protection to foreigners and to foreign interests within their territory, or even to defend their own soil against individual aggressors, foreign or domestic, the burden of the inconveniences and losses of which therefore devolves in no inconsiderable degree upon the foreign states associated with them in close relations of geographical vicinity or of commercial intercourse.

Such is more emphatically the situation of the United States with respect to the Republics of Mexico and of Central America. Notwithstanding, however, the relative remoteness of the European States from America, facts of the same order have not failed to appear conspicuously in their intercourse with Spanish American Republics. Great Britain has repeatedly been constrained to recur to measures of force for the protection of British interests in those countries. France found it necessary to attack the castle of San Juan de Uloa and even to debark troops at Vera Cruz in order to obtain redress of wrongs done to Frenchmen in Mexico.

What is memorable in this respect in the conduct and policy of the United States is that while it would be as easy for us to annex and absorb new territories in America as it is for European States to do this in Asia or Africa, and while if done by us it might be justified as well on the alleged ground of the advantage which would accrue therefrom to the territories annexed and absorbed, yet we have abstained from doing it, in obedience to considerations of right not less than of policy; and that while the courageous and self-reliant spirit of our people prompts them to hardy enterprises, and they occasionally yield to the temptation of taking part in the troubles of countries near at hand, where they know how potential their influence, moral and material, must be, the American Government has uniformly and steadily resisted all attempts of individuals in the United States to undertake armed aggression against friendly Spanish American Republics.

While the present incumbent of the executive office has been in discharge of its duties he has never failed to exert all the authority in him vested to repress such enterprises, because they are in violation of the law of the land, which the Constitution requires him to execute faithfully; because they are contrary to the policy of the Government, and

because to permit them would be a departure from good faith toward those American Republics in amity with us, which are entitled to, and will never cease to enjoy, in their calamities the cordial sympathy, and in their prosperity the efficient good will, of the Government and of the people of the United States.

To say that our laws in this respect are sometimes violated or successfully evaded is only to say what is true of all laws in all countries, but not more so in the United States than in any one whatever of the countries of Europe. Suffice it to repeat that the laws of the United States prohibiting all foreign military enlistments or expeditions within our territory have been executed with impartial good faith, and, so far as the nature of things permits, as well in repression of private persons as of the official agents of other Governments, both of Europe and America.

Among the Central American Republics to which modern events have imparted most prominence is that of Nicaragua, by reason of its particular position on the Isthmus. Citizens of the United States have established in its territory a regular interoceanic transit route, second only in utility and value to the one previously established in the territory of New Granada. The condition of Nicaragua would, it is believed, have been much more prosperous than it has been but for the occupation of its only Atlantic port by a foreign power, and of the disturbing authority set up and sustained by the same power in a portion of its territory, by means of which its domestic sovereignty was impaired, its public lands were withheld from settlement, and it was deprived of all the maritime revenue which it would otherwise collect on imported merchandise at San Juan del Norte.

In these circumstances of the political debility of the Republic of Nicaragua, and when its inhabitants were exhausted by long-continued civil war between parties neither of them strong enough to overcome the other or permanently maintain internal tranquillity, one of the contending factions of the Republic invited the assistance and cooperation of a small body of citizens of the United States from the State of California, whose presence, as it appears, put an end at once to civil war and restored apparent order throughout the territory of Nicaragua, with a new administration, having at its head a distinguished individual, by birth a citizen of the Republic, D. Patricio Rivas, as its provisional President.

It is the established policy of the United States to recognize all governments without question of their source or their organization, or of the means by which the governing persons attain their power, provided there be a government *de facto* accepted by the people of the country, and with reserve only of the time as to the recognition of revolutionary governments arising out of the subdivision of parent states with which we are in relations of amity. We do not go behind the fact of a foreign government exercising actual power to investigate questions of legitimacy; we do not inquire into the causes which may have led to a change of govern-

ment. To us it is indifferent whether a successful revolution has been aided by foreign intervention or not; whether insurrection has overthrown existing government, and another has been established in its place according to preexisting forms or in a manner adopted for the occasion by those whom we may find in the actual possession of power. All these matters we leave to the people and public authorities of the particular country to determine; and their determination, whether it be by positive action or by ascertained acquiescence, is to us a sufficient warranty of the legitimacy of the new government.

During the sixty-seven years which have elapsed since the establishment of the existing Government of the United States, in all which time this Union has maintained undisturbed domestic tranquillity, we have had occasion to recognize governments *de facto*, founded either by domestic revolution or by military invasion from abroad, in many of the Governments of Europe.

It is the more imperatively necessary to apply this rule to the Spanish American Republics, in consideration of the frequent and not seldom anomalous changes of organization or administration which they undergo and the revolutionary nature of most of these changes, of which the recent series of revolutions in the Mexican Republic is an example, where five successive revolutionary governments have made their appearance in the course of a few months and been recognized successively, each as the political power of that country, by the United States.

When, therefore, some time since, a new minister from the Republic of Nicaragua presented himself, bearing the commission of President Rivas, he must and would have been received as such, unless he was found on inquiry subject to personal exception, but for the absence of satisfactory information upon the question whether President Rivas was *in fact* the head of an established Government of the Republic of Nicaragua, doubt as to which arose not only from the circumstances of his avowed association with armed emigrants recently from the United States, but that the proposed minister himself was of that class of persons, and not otherwise or previously a citizen of Nicaragua.

Another minister from the Republic of Nicaragua has now presented himself, and has been received as such, satisfactory evidence appearing that he represents the Government *de facto* and, so far as such exists, the Government *de jure* of that Republic.

That reception, while in accordance with the established policy of the United States, was likewise called for by the most imperative special exigencies, which require that this Government shall enter at once into diplomatic relations with that of Nicaragua. In the first place, a difference has occurred between the Government of President Rivas and the Nicaragua Transit Company, which involves the necessity of inquiry into rights of citizens of the United States, who allege that they have been aggrieved by the acts of the former and claim protection and redress at the hands

of their Government. In the second place, the interoceanic communication by the way of Nicaragua is effectually interrupted, and the persons and property of unoffending private citizens of the United States in that country require the attention of their Government. Neither of these objects can receive due consideration without resumption of diplomatic intercourse with the Government of Nicaragua.

Further than this, the documents communicated show that while the interoceanic transit by the way of Nicaragua is cut off, disturbances at Panama have occurred to obstruct, temporarily at least, that by the way of New Granada, involving the sacrifice of the lives and property of citizens of the United States. A special commissioner has been dispatched to Panama to investigate the facts of this occurrence with a view particularly to the redress of parties aggrieved. But measures of another class will be demanded for the future security of interoceanic communication by this as by the other routes of the Isthmus.

It would be difficult to suggest a single object of interest, external or internal, more important to the United States than the maintenance of the communication, by land and sea, between the Atlantic and Pacific States and Territories of the Union It is a material element of the national integrity and sovereignty.

I have adopted such precautionary measures and have taken such action for the purpose of affording security to the several transit routes of Central America and to the persons and property of citizens of the United States connected with or using the same as are within my constitutional power and as existing circumstances have seemed to demand. Should these measures prove inadequate to the object, that fact will be communicated to Congress with such recommendations as the exigency of the case may indicate.

FRANKLIN PIERCE.

EXECUTIVE OFFICE,
Washington, May 16, 1856.

To the Senate and House of Representatives:

I communicate to Congress a report from the Secretary of the Interior, containing estimates of appropriations required in the fulfillment of treaty stipulations with certain Indian tribes, and recommend that the appropriations asked for be made in the manner therein suggested.

FRANKLIN PIERCE.

WASHINGTON, *May 19, 1856.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 7th ultimo, requesting the President "to communicate what information he may possess in regard to citizens of the United States being engaged in the slave trade, or in the transportation in American ships of coolies

from China to Cuba and other countries with the intention of placing or continuing them in a state of slavery or servitude, and whether such traffic is not, in his opinion, a violation of the spirit of existing treaties, rendering those engaged in it liable to indictment for piracy; and especially that he be requested to communicate to this House the facts and circumstances attending the shipment from China of some 500 coolies in the ship *Sea Witch*, of the city of New York, lately wrecked on the coast of Cuba," I transmit the accompanying report of the Secretary of State.

FRANKLIN PIERCE.

WASHINGTON, *May 20, 1856.*

To the Senate of the United States:

I transmit a copy of and extracts from dispatches of the late minister of the United States at London, and of his correspondence with Lord Clarendon which accompanied them, relative to the enlistment of soldiers for the British army within the United States by agents of the Government of Great Britain. These dispatches have been received since my message to the Senate upon the subject of the 27th of February last.

FRANKLIN PIERCE.

WASHINGTON, *May 22, 1856.*

To the House of Representatives:

I communicate herewith a report from the Secretary of War, in response to a resolution of the House of Representatives of the 12th instant, requesting me to inform the House "whether United States soldiers have been employed in the Territory of Kansas to arrest persons charged with a violation of certain supposed laws enacted by a supposed legislature assembled at Shawnee Mission."

FRANKLIN PIERCE.

WASHINGTON, *May 29, 1856.*

To the Senate and House of Representatives:

I have ceased to hold intercourse with the envoy extraordinary and minister plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland near this Government.

In making communication of this fact it has been deemed by me proper also to lay before Congress the considerations of indispensable public duty which have led to the adoption of a measure of so much importance. They appear in the documents herewith transmitted to both Houses.

FRANKLIN PIERCE.

WASHINGTON, *May 29, 1856.*

To the Senate of the United States:

In further answer to the resolution of the Senate of the 17th of January last, requesting a copy of any official correspondence not previously

communicated touching the construction and purport of the convention between the United States and Great Britain of the 19th of April, 1850, I transmit a copy of an instruction of the 24th instant from the Secretary of State to the minister of the United States at London.

FRANKLIN PIERCE.

WASHINGTON, *June 3, 1856.*

To the Senate and House of Representatives of the United States:

I herewith communicate a letter of the 26th instant from the Secretary of the Interior, and accompanying papers, relative to the conflict of jurisdiction between the Federal and Cherokee courts and the inadequacy of protection against the intrusion of improper persons into the Cherokee country, and recommend the subject to the consideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *June 3, 1856.*

To the House of Representatives:

I transmit a report* from the Secretary of State, in answer to a resolution of the House of Representatives of the 29th ultimo.

FRANKLIN PIERCE.

WASHINGTON, *June 4, 1856.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 8th of last month, requesting information in regard to a contemplated imposition of additional duties on American leaf tobacco by the Zollverein or Commercial Union of the German States, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *June 13, 1856.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 18th of February last, requesting me to communicate to the House "the report of Captain E. B. Boutwell, and all the documents accompanying it, relative to the operations of the United States sloop of war *John Adams*, under his command, at the Fejee Islands in the year 1855," I transmit herewith a report of the Secretary of the Navy.

FRANKLIN PIERCE.

* Stating that no information relative to the action of the leading powers of Europe on the subject of privateering has been officially communicated by any foreign government.

WASHINGTON, *June 18, 1856.*

To the Senate of the United States:

I transmit a report from the Secretary of State, with accompanying documents,* in answer to the resolution of the Senate of the 16th instant.

FRANKLIN PIERCE.

WASHINGTON, *June 20, 1856.*

To the Senate and House of Representatives of the United States:

I communicate herewith a letter from the Secretary of the Interior and accompanying papers, respecting the sum of $16,024.80 now in the hands of the agent of the Choctaw Indians, being a balance remaining from the sales of Choctaw orphan reservations under the nineteenth article of the treaty of 1830, and commend the subject to the favorable consideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *June 23, 1856.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for the mutual delivery of criminals fugitives from justice in certain cases, and for other purposes, concluded at The Hague on the 29th ultimo between the United States and His Majesty the King of the Netherlands.

FRANKLIN PIERCE.

WASHINGTON, *July 3, 1856.*

To the House of Representatives of the United States:

In response to a resolution of the House of Representatives of the 18th ultimo, requesting me to inform the House "what measures, if any, have been taken to carry out the provisions of a late act of Congress authorizing the President to contract with Hiram Powers, the great American sculptor, now in Italy, for some work of art for the new Capitol, and appropriating $25,000 for that purpose," I transmit herewith copies of three letters—one from Mr. Powers to Hon. Edward Everett and two from myself to the same gentleman.

Since the date of my letter of July 24, 1855, I have communicated with Mr. Everett upon the subject verbally and in writing, and the final proposition on my part, resulting therefrom, will be found in the accompanying extract of a letter dated June 5, 1856.

FRANKLIN PIERCE.

* Instructions to Mr. Buchanan, late minister to England, on the subject of free ships making free goods, and letter from Mr. Buchanan to Lord Clarendon on the same subject.

WASHINGTON, *July 7, 1856.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 6th ultimo, respecting the location of the District armory upon the Mall in this city, I transmit the accompanying report from the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *July 7, 1856.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for the mutual delivery of criminals fugitives from justice between the United States and Austria, signed in this city on the 3d instant.

FRANKLIN PIERCE.

WASHINGTON, *July 8, 1856.*

To the House of Representatives:

I communicate herewith a report of the Secretary of War, in reply to a resolution of the House of the 25th ultimo, "on the subject of Indian hostilities in Oregon and Washington Territories."

FRANKLIN PIERCE.

WASHINGTON, *July 11, 1856.*

To the Senate of the United States:

In reply to a resolution of the Senate of May 23, requesting a "detailed statement of the sums which have been paid to newspapers published in Washington for advertisements or other printing published or executed under the orders or by authority of the several Departments since the 4th day of March, 1853," I communicate herewith reports from the several Departments.

FRANKLIN PIERCE.

WASHINGTON, *July 15, 1856.*

To the Senate and House of Representatives:

I transmit a copy of a letter of November 27, 1854, from the commissioner of the United States in China, and of the regulations, orders, and decrees which accompanied it, for such revision thereof as Congress may deem expedient, pursuant to the sixth section of the act approved August 11, 1848.

FRANKLIN PIERCE.

EXECUTIVE OFFICE, *Washington, July 21, 1856.*

To the Senate and House of Representatives of the United States:

I communicate to Congress herewith a letter from the Postmaster-General and a copy of a conditional contract entered into under instruc-

tions from me for the purchase of a lot and building thereon for a post-office in the city of Philadelphia, together with a copy of a report of Edward Clark, architect of the Patent Office building, in relation to the site and building selected, and recommend that an appropriation of $250,000 be made to complete the purchase, and also an appropriation of $50,000 to make the required alterations and furnish the necessary cases, boxes, etc., to fit it up for a city post-office.

FRANKLIN PIERCE.

WASHINGTON, *July 22, 1856.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, navigation, and extradition between the United States and the Republic of Chili, signed at Santiago, in that Republic, on the 27th of May last.

FRANKLIN PIERCE.

WASHINGTON, *July 24, 1856.*

To the Senate and House of Representatives:

I herewith present to Congress a copy of "minutes of a council held at Fort Pierre, Nebraska Territory, on the 1st day of March, 1856, by Brevet Brigadier-General William S. Harney, United States Army, commanding the Sioux expedition, with the delegations from nine of the bands of the Sioux;" also copies of sundry papers upon the same subject.

Regarding the stipulations between General Harney and the nine bands of the Sioux as just and desirable, both for the United States and for the Indians, I respectfully recommend an appropriation by Congress of the sum of $100,000 to enable the Government to execute the stipulations entered into by General Harney.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at Múckl-te-oh, or Point Elliott, by Isaac I. Stevens, governor and superintendent of Indian affairs of Washington Territory, on the part of the United States, and chiefs, headmen, and delegates of the Dwámish, Suquámish, Sk-táhl-mish, Sam-áhmish, Smalh-kamish, Skope-áhmish, St-káh-mish, Snoquálmoo, Skai-wha-mish, N'Quentl-má-mish, Sk-táh-le-jum, Stoluck-whá-mish, Sno-ho-mish, Skágit, Kik-i-állus, Swin-á-mish, Squin-áh-mish, Sah-ku-méhu, Noo-whá-há, Nook-wa-cháh-mish, Mee-sée-qua-guilch, Cho-bah-áh-bish, and other allied and subordinate tribes and bands of Indians in said Territory.

Also a treaty made and concluded at Hahd Skus, or Point no Point, on the 26th day of January, 1855, by and between the same commissioner on the part of the United States and the chiefs, headmen, and delegates of the different villages of the S'Klallams Indians in said Territory.

Also a treaty made and concluded at Neah Bay on the 31st day of January, 1855, by and between the same commissioner on the part of the United States and the chiefs, headmen, and delegates of the same villages of the Makah tribe of Indians in the said Territory.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded by and between Isaac I. Stevens, governor and superintendent of Indian affairs of the Territory of Washington, on the part of the United States, and the chiefs, headmen, and delegates of the different tribes and bands of the Qui-nai-elt and Quil-leh-ute Indians in Washington Territory.

Said treaty was made on the 1st of July, 1855, and 25th January, 1856.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at the treaty ground at Hell Gate, in the Bitter Root Valley, on the 16th day of July, 1855, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the chiefs, headmen, and delegates of the confederate tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, who by the treaty are constituted a nation, under the name of the Flat Head Nation.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, by and between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the confederated tribes and bands of Walla-Wallas and Wascoes Indians residing in middle Oregon. Said treaty was made on the 25th of June, 1855.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded on the 21st day of December, 1855, by and between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Mo-lal-la-las, or Molel, tribe of Indians in Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made on the 9th of June, 1855, by and between Isaac I. Stevens, governor and superintendent of Indian affairs of the Territory of Washington, and Joel Palmer, superintendent of Indian affairs of the Territory of Oregon, on the part of the United States, and the chiefs, headmen, and delegates of the Walla-Wallas, Cayuses, and Umatilla tribes and bands of Indians, who for the purposes of the treaty are to be regarded as one nation. Also a treaty made on the 11th of June, 1855, by and between the same commissioners on the part of the United States and the chiefs, headmen, and delegates of the Nez Percé tribe of Indians.

The lands ceded by the treaties herewith lie partly in Washington and partly in Oregon Territories.

FRANKLIN PIERCE.

WASHINGTON, *July 29, 1856.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at Camp Stevens, Walla Walla Valley, on the 9th day of June, 1855, by and between Isaac I. Stevens, governor of and superintendent of Indian affairs for Washington Territory, on the part of the United States, and the head chiefs, chiefs, headmen, and delegates of the Yakama, Palouse, Pisquouse, Wenatshapam, Klikatat, Klin-quit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Oche-chotes, Kah-milt-pah, and Se-ap-cat tribes and bands of Indians, who for the purposes of the treaty are to be known as the "Yakama" Nation of Indians.

FRANKLIN PIERCE.

WASHINGTON, *July 30, 1856.*

To the Senate of the United States:

By the sixteenth article of the treaty of 4th March, 1853, between the United States and the Republic of Paraguay, as amended by a resolution of the Senate of the 1st May, 1854, it was provided that the exchange of

the ratifications of that instrument should be effected within twenty-four months of its date; that is, on or before the 4th March, 1855.

From circumstances, however, over which the Government of the United States had no control, but which are not supposed to indicate any indisposition on the part of the Paraguayan Government to consummate the final formalities necessary to give full force and validity to the treaty, the exchange of ratifications has not yet been effected.

A similar condition exists in regard to the treaty between the United States and the Oriental Republic of Uruguay of the 28th August, 1852. The Senate, by a resolution of 13th June, 1854, extended the time within which the ratifications of that treaty might be exchanged to thirty months from its date. That limit, however, has expired, and the exchange has not been effected.

I deem it expedient to direct a renewal of negotiations with the Governments referred to, with a view to secure the exchange of the ratifications of these important conventions. But as the limit prescribed by the Senate in both cases has passed by, it is necessary that authority be conferred on the Executive for that purpose.

I consequently recommend that the Senate sanction an exchange of the ratifications of the treaties above mentioned at any time which may be deemed expedient by the President within three years from the date of the resolution to that effect.

FRANKLIN PIERCE.

WASHINGTON, *August 1, 1856.*

To the Senate and House of Representatives of the United States:

I communicate to Congress herewith the report of Major W. H. Emory, United States commissioner, on the survey of the boundary between the United States and the Republic of Mexico, referred to in the accompanying letter of this date from the Secretary of the Interior.

FRANKLIN PIERCE.

EXECUTIVE OFFICE,
Washington, August 4, 1856.

To the House of Representatives of the United States:

I herewith lay before the House of Representatives a report of the Secretary of War, in reply to a resolution of the House requesting "information in regard to the construction of the Capitol and Post-Office extensions."

FRANKLIN PIERCE.

EXECUTIVE OFFICE, *August 4, 1856.*

To the Senate of the United States:

I communicate herewith a report of the Secretary of War, in response to a resolution of the Senate calling for information in relation to instruc-

tions "issued to any military officer in command in Kansas to disperse any unarmed meeting of the people of that Territory, or to prevent by military power any assemblage of the people of that Territory."

FRANKLIN PIERCE.

WASHINGTON, *August 4, 1856.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 1st instant, requesting a copy of papers touching recent events in the Territory of Washington I transmit a report from the Secretary of State and the documents by which it was accompanied.

FRANKLIN PIERCE.

EXECUTIVE OFFICE,
Washington, August 6, 1856.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 28th ultimo, requesting the President to inform the Senate in relation to any application "by the governor of the State of California to maintain the laws and peace of the said State against the usurped authority of an organization calling itself the committee of vigilance in the city and county of San Francisco," and also "to lay before the Senate whatever information he may have in respect to the proceedings of the said committee of vigilance," I transmit the accompanying reports from the Secretary of State and the Secretary of the Navy.

FRANKLIN PIERCE.

WASHINGTON, *August 8, 1856.*

To the Senate of the United States:

I herewith submit to the Senate, for its constitutional action thereon, a treaty negotiated with the Creek and Seminole Indians, together with the accompanying papers.

FRANKLIN PIERCE.

WASHINGTON, *August 9, 1856.*

To the Senate of the United States:

With a message of the 23d of June last I transmitted, for the consideration of the Senate, a convention for the mutual delivery of criminals fugitives from justice in certain cases, and for other purposes, concluded at The Hague on the 29th of May last between the United States and His Majesty the King of Netherlands. Deeming it advisable to withdraw that instrument from the consideration of the Senate, I request that it may be returned to me.

FRANKLIN PIERCE.

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of amity, commerce, and navigation, and for the surrender of fugitive criminals, between the United States and the Republic of Venezuela, signed at Caracas on the 10th of July last.

FRANKLIN PIERCE.

AUGUST 9, 1856.

WASHINGTON, *August 11, 1856.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 3d March, 1855, requesting information relative to the proceedings of the commissioners for the adjustment of claims under the convention with Great Britain of the 8th of February, 1853, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *August 11, 1856.*

To the House of Representatives of the United States:

I transmit herewith a report of the Secretary of War, in reply to a resolution of the House of Representatives of May 26, 1856, in relation to the Capitol and Post-Office extensions.

FRANKLIN PIERCE.

WASHINGTON, *August 12, 1856.*

To the Senate of the United States:

I transmit a report from the Secretary of State, with accompanying papers,* in answer to the resolution of the Senate of yesterday.

FRANKLIN PIERCE.

WASHINGTON, *August 12, 1856.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 7th instant, in relation to the refusal of the Government of Honduras to receive a commercial agent from this country, I transmit a report from the Secretary of State and the documents which accompanied it.

FRANKLIN PIERCE.

WASHINGTON, *August 13, 1856.*

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, inclosing a report of Captain M. C. Meigs, stating that the sum of $750,000

* Relating to "The declaration concerning maritime law," adopted by the plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey at Paris April, 16, 1856.

will be necessary for the prosecution of the Capitol extension until the close of the next session of Congress, and recommend that that amount may be appropriated.

FRANKLIN PIERCE.

WASHINGTON, *August 15, 1856.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 4th instant, requesting a copy of letters and papers touching the pardons or remission of the imprisonment of Daniel Drayton and Edward Sayres in August, 1852, I transmit a report from the Secretary of State, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *August 15, 1856.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of War, in relation to an error in a communication* of Captain Meigs.

FRANKLIN PIERCE.

WASHINGTON, *August 16, 1856.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 11th instant, in relation to the public accounts of John C. Frémont, I transmit the accompanying report from the Secretary of the Treasury, to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, *August 16, 1856.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 17th April, 1856, requesting me to have prepared and presented to the House of Representatives "a statement showing the appropriations made by the Thirty-first, Thirty-second, and Thirty-third Congresses, distinguishing the appropriations made at each session of each Congress, distinguishing also the appropriations made on the recommendations of the President, heads of Departments, or heads of bureaus from those that were made without such recommendation, and showing what expenditures have been made by the Government in each fiscal year, commencing with the 1st day of July, 1850, and ending on the 30th day of June, 1855; and also what, if any, defalcations have occurred from the 30th day of June, 1850, to the 1st day of July, 1855, and the amount of such defalcations severally, and such other information as may be in his power bearing upon the matters above mentioned," I submit the following reports from the Secretaries of the Treasury, War, Navy, and Interior Departments and the Postmaster-General.

FRANKLIN PIERCE.

* Relating to the Capitol extension.

VETO MESSAGES.

WASHINGTON, *May 19, 1856.*

To the Senate of the United States:

I return herewith to the Senate, in which it originated, the bill entitled "An act to remove obstructions to navigation in the mouth of the Mississippi River at the Southwest Pass and Pass à l'Outre," which proposes to appropriate a sum of money, to be expended under the superintendence of the Secretary of War, "for the opening and keeping open ship channels of sufficient capacity to accommodate the wants of commerce through the Southwest Pass and Pass à l'Outre, leading from the Mississippi River to the Gulf of Mexico."

In a communication addressed by me to the two Houses of Congress on the 30th of December, 1854, my views were exhibited in full on the subject of the relation of the General Government to internal improvements. I set forth on that occasion the constitutional impediments, which in my mind are insuperable, to the prosecution of a system of internal improvements by means of appropriations from the Treasury of the United States, more especially the consideration that the Constitution does not confer on the General Government any express power to make such appropriations, that they are not a necessary and proper incident of any of the express powers, and that the assumption of authority on the part of the Federal Government to commence and carry on a general system of internal improvements, while exceptionable for the want of constitutional power, is in other respects prejudicial to the several interests and inconsistent with the true relation to one another of the Union and of the individual States.

These objections apply to the whole system of internal improvements, whether such improvements consist of works on land or in navigable waters, either of the seacoast or of the interior lakes or rivers.

I have not been able, after the most careful reflection, to regard the bill before me in any other light than as part of a general system of internal improvements, and therefore feel constrained to submit it, with these objections, to the reconsideration of Congress.

FRANKLIN PIERCE.

WASHINGTON, *May 19, 1856.*

To the Senate of the United States:

I return herewith to the Senate, in which it originated, a bill entitled "An act making an appropriation for deepening the channel over the St. Clair flats, in the State of Michigan," and submit it for reconsideration, because it is, in my judgment, liable to the objections to the prose-

cution of internal improvements by the General Government which have already been presented by me in previous communications to Congress.

In considering this bill under the restriction that the power of Congress to construct a work of internal improvement is limited to cases in which the work is manifestly needful and proper for the execution of some one or more of the powers expressly delegated to the General Government, I have not been able to find for the proposed expenditure any such relation, unless it be to the power to provide for the common defense and to maintain an army and navy. But a careful examination of the subject, with the aid of information officially received since my last annual message was communicated to Congress, has convinced me that the expenditure of the sum proposed would serve no valuable purpose as contributing to the common defense, because all which could be effected by it would be to afford a channel of 12 feet depth and of so temporary a character that unless the work was done immediately before the necessity for its use should arise it could not be relied on for the vessels of even the small draft the passage of which it would permit.

Under existing circumstances, therefore, it can not be considered as a necessary means for the common defense, and is subject to those objections which apply to other works designed to facilitate commerce and contribute to the convenience and local prosperity of those more immediately concerned—an object not to be constitutionally and justly attained by the taxation of the people of the whole country.

FRANKLIN PIERCE.

WASHINGTON, *May 22, 1856.*

To the Senate of the United States:

Having considered the bill, which originated in the Senate, entitled "An act making an appropriation for deepening the channel over the flats of the St. Marys River, in the State of Michigan," it is herewith returned without my approval.

The appropriation proposed by this bill is not, in my judgment, a necessary means for the execution of any of the expressly granted powers of the Federal Government. The work contemplated belongs to a general class of improvements, embracing roads, rivers, and canals, designed to afford additional facilities for intercourse and for the transit of commerce, and no reason has been suggested to my mind for excepting it from the objections which apply to appropriations by the General Government for deepening the channels of rivers wherever shoals or other obstacles impede their navigation, and thus obstruct communication and impose restraints upon commerce within the States or between the States or Territories of the Union. I therefore submit it to the reconsideration of Congress, on account of the same objections which have been presented in my previous communications on the subject of internal improvements.

FRANKLIN PIERCE.

WASHINGTON, *August 11, 1856.*

To the House of Representatives:

I return herewith to the House of Representatives, in which it originated, a bill entitled "An act for continuing the improvement of the Des Moines Rapids, in the Mississippi River," and submit it for reconsideration, because it is, in my judgment, liable to the objections to the prosecution of internal improvements by the General Government set forth at length in a communication addressed by me to the two Houses of Congress on the 30th day of December, 1854, and in other subsequent messages upon the same subject, to which on this occasion I respectfully refer.

FRANKLIN PIERCE.

WASHINGTON, *August 14, 1856.*

To the Senate of the United States:

I return herewith to the Senate, in which it originated, a bill entitled "An act for the improvement of the navigation of the Patapsco River and to render the port of Baltimore accessible to the war steamers of the United States," and submit it for reconsideration, because it is, in my judgment, liable to the objections to the prosecution of internal improvements by the General Government set forth at length in a communication addressed by me to the two Houses of Congress on the 30th day of December, 1854, and other subsequent messages upon the same subject, to which on this occasion I respectfully refer.

FRANKLIN PIERCE.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas information has been received by me that sundry persons, citizens of the United States and others resident therein, are preparing, within the jurisdiction of the same, to enlist, or enter themselves, or to hire or retain others to participate in military operations within the State of Nicaragua:

Now, therefore, I, Franklin Pierce, President of the United States, do warn all persons against connecting themselves with any such enterprise or undertaking, as being contrary to their duty as good citizens and to the laws of their country and threatening to the peace of the United States.

I do further admonish all persons who may depart from the United States, either singly or in numbers, organized or unorganized, for any

such purpose, that they will thereby cease to be entitled to the protection of this Government.

I exhort all good citizens to discountenance and prevent any such disreputable and criminal undertaking as aforesaid, charging all officers, civil and military, having lawful power in the premises, to exercise the same for the purpose of maintaining the authority and enforcing the laws of the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed to these presents.

[SEAL.] Done at the city of Washington, the 8th day of December, 1855, and of the Independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the second section of an act of the Congress of the United States approved the 5th day of August, 1854, entitled "An act to carry into effect a treaty between the United States and Great Britain signed on the 5th day of June, 1854," it is provided that whenever the island of Newfoundland shall give its consent to the application of the stipulations and provisions of the said treaty to that Province and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, grain, flour, and breadstuffs of all kinds; animals of all kinds; fresh, smoked, and salted meats; cotton wool, seeds and vegetables, undried fruits, dried fruits, fish of all kinds, products of fish and all other creatures living in the water, poultry, eggs; hides, furs, skins, or tails, undressed; stone or marble in its crude or unwrought state, slate, butter, cheese, tallow, lard, horns, manures, ores of metals of all kinds, coal, pitch, tar, turpentine, ashes; timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; firewood; plants, shrubs, and trees; pelts, wool, fish oil, rice, broom corn, and bark; gypsum, ground or unground; hewn or wrought or unwrought burr or grind stones. dyestuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco, and rags—shall be admitted free of duty from that Province into the United States from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said Province has consented in a due and proper manner to have the provisions of the treaty extended to it and to allow the United States the full benefits of all the stipulations therein contained; and

Whereas I have satisfactory evidence that the Province of Newfoundland has consented in a due and proper manner to have the provisions

of the aforesaid treaty extended to it and to allow the United States the full benefits of all the stipulations therein contained, so far as they are applicable to that Province:

Now, therefore, I, Franklin Pierce, President of the United States of America, do hereby declare and proclaim that from this date the articles enumerated in the preamble of this proclamation, being the growth and produce of the British North American colonies, shall be admitted from the aforesaid Province of Newfoundland into the United States free of duty so long as the aforesaid treaty shall remain in force.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed to these presents.

[SEAL.] Done at the city of Washington, the 12th day of December, A. D. 1855, and of the Independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas indications exist that public tranquillity and the supremacy of law in the Territory of Kansas are endangered by the reprehensible acts or purposes of persons, both within and without the same, who propose to direct and control its political organization by force. It appearing that combinations have been formed therein to resist the execution of the Territorial laws, and thus in effect subvert by violence all present constitutional and legal authority; it also appearing that persons residing without the Territory, but near its borders, contemplate armed intervention in the affairs thereof; it also appearing that other persons, inhabitants of remote States, are collecting money, engaging men, and providing arms for the same purpose; and it further appearing that combinations within the Territory are endeavoring, by the agency of emissaries and otherwise, to induce individual States of the Union to intervene in the affairs thereof, in violation of the Constitution of the United States; and

Whereas all such plans for the determination of the future institutions of the Territory, if carried into action from within the same, will constitute the fact of insurrection, and if from without that of invasive aggression, and will in either case justify and require the forcible interposition of the whole power of the General Government, as well to maintain the laws of the Territory as those of the Union:

Now, therefore, I, Franklin Pierce, President of the United States, do issue this my proclamation to command all persons engaged in unlaw-

ful combinations against the constituted authority of the Territory of Kansas or of the United States to disperse and retire peaceably to their respective abodes, and to warn all such persons that any attempted insurrection in said Territory or aggressive intrusion into the same will be resisted not only by the employment of the local militia, but also by that of any available forces of the United States, to the end of assuring immunity from violence and full protection to the persons, property, and civil rights of all peaceable and law-abiding inhabitants of the Territory.

If, in any part of the Union, the fury of faction or fanaticism, inflamed into disregard of the great principles of popular sovereignty which, under the Constitution, are fundamental in the whole structure of our institutions is to bring on the country the dire calamity of an arbitrament of arms in that Territory, it shall be between lawless violence on the one side and conservative force on the other, wielded by legal authority of the General Government.

I call on the citizens, both of adjoining and of distant States, to abstain from unauthorized intermeddling in the local concerns of the Territory, admonishing them that its organic law is to be executed with impartial justice, that all individual acts of illegal interference will incur condign punishment, and that any endeavor to intervene by organized force will be firmly withstood.

I invoke all good citizens to promote order by rendering obedience to the law, to seek remedy for temporary evils by peaceful means, to discountenance and repulse the counsels and the instigations of agitators and of disorganizers, and to testify their attachment to their country, their pride in its greatness, their appreciation of the blessings they enjoy, and their determination that republican institutions shall not fail in their hands by cooperating to uphold the majesty of the laws and to vindicate the sanctity of the Constitution.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed to these presents.

[SEAL.] Done at the city of Washington, the 11th day of February, A. D. 1856, and of the Independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

Secretary of State.

FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

Whereas by letters patent under the seal of the United States bearing date the 2d day of March, A. D. 1843, the President recognized Anthony Barclay as consul of Her Britannic Majesty at New York and declared him free to exercise and enjoy such functions, powers, and privileges as

are allowed to the consuls of the most favored nations, but, for good and sufficient reasons, it is deemed proper that he should no longer exercise the said functions within the United States:

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, do hereby declare that the powers and privileges conferred as aforesaid on the said Anthony Barclay are revoked and annulled.

In testimony whereof I have caused these letters to be made patent and the seal of the United States to be hereunto affixed.

[SEAL.] Given under my hand, at the city of Washington, the 28th day of May, A. D. 1856, and of the Independence of the United States of America the eighteenth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

Whereas by letters patent under the seal of the United States bearing date the 2d day of August, A. D. 1853, the President recognized George Benvenuto Mathew as consul of Her Britannic Majesty at Philadelphia and declared him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most favored nations, but, for good and sufficient reasons, it is deemed proper that he should no longer exercise the said functions within the United States:

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, do hereby declare that the powers and privileges conferred as aforesaid on the said George Benvenuto Mathew are revoked and annulled.

In testimony whereof I have caused these letters to be made patent and the seal of the United States to be hereunto affixed.

[SEAL.] Given under my hand, at the city of Washington, the 28th day of May, A. D. 1856, and of the Independence of the United States of America the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

Whereas by letters patent under the seal of the United States bearing date the 17th day of August, A. D. 1852, the President recognized Charles Rowcroft as consul of Her Britannic Majesty at Cincinnati and

declared him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most favored nations, but, for good and sufficient reasons, it is deemed proper that he should no longer exercise the said functions within the United States:

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, do hereby declare that the powers and privileges conferred as aforesaid on the said Charles Rowcroft are revoked and annulled.

In testimony whereof I have caused these letters to be made patent and the seal of the United States to be hereunto affixed.

[SEAL.] Given under my hand, at the city of Washington, the 28th day of May, A. D. 1856, and of the Independence of the United States of America the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to the first article of the treaty between the United States and the Mexican Republic of the 30th day of December, 1853, the true limits between the territories of the contracting parties were declared to be as follows:

Retaining the same dividing line between the two Californias as already defined and established according to the fifth article of the treaty of Guadalupe Hidalgo, the limits between the two Republics shall be as follows:

Beginning in the Gulf of Mexico 3 leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47′ north latitude crosses the same; thence due west 100 miles; thence south to the parallel of 31° 20′ north latitude; thence along the said parallel of 31° 20′ to the one hundred and eleventh meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River 20 English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

And whereas the said dividing line has been surveyed, marked out, and established by the respective commissioners of the contracting parties, pursuant to the same article of the said treaty:

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, do hereby declare to all whom it may concern that the line aforesaid shall be held and considered as the boundary between the United States and the Mexican Republic and shall be respected as such by the United States and the citizens thereof.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL.] Given under my hand, at the city of Washington, this 2d day of June, A. D. 1856, and of the Independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas whilst hostilities exist with various Indian tribes on the remote frontiers of the United States, and whilst in other respects the public peace is seriously threatened, Congress has adjourned without granting necessary supplies for the Army, depriving the Executive of the power to perform his duty in relation to the common defense and security, and an extraordinary occasion has thus arisen for assembling the two Houses of Congress, I do therefore by this my proclamation convene the said Houses to meet in the Capitol, at the city of Washington, on Thursday, the 21st day of August instant, hereby requiring the respective Senators and Representatives then and there to assemble to consult and determine on such measures as the state of the Union may seem to require.

In testimony whereof I have caused the seal of the United States to be hereunto affixed and signed the same with my hand.

[SEAL.] Done at the city of Washington, the 18th day of August, A. D. 1856, and of the Independence of the United States the eighty-first.

FRANKLIN PIERCE.

By order:

W. L. MARCY,
Secretary of State.

SPECIAL SESSION MESSAGE.

WASHINGTON, *August 21, 1856.*

Fellow-Citizens of the Senate and House of Representatives:

In consequence of the failure of Congress at its recent session to make provision for the support of the Army, it became imperatively incumbent on me to exercise the power which the Constitution confers on the Executive for extraordinary occasions, and promptly to convene the two

Houses in order to afford them an opportunity of reconsidering a subject of such vital interest to the peace and welfare of the Union.

With the exception of a partial authority vested by law in the Secretary of War to contract for the supply of clothing and subsistence, the Army is wholly dependent on the appropriations annually made by Congress. The omission of Congress to act in this respect before the termination of the fiscal year had already caused embarrassments to the service, which were overcome only in expectation of appropriations before the close of the present month. If the requisite funds be not speedily provided, the Executive will no longer be able to furnish the transportation, equipments, and munitions which are essential to the effectiveness of a military force in the field. With no provision for the pay of troops the contracts of enlistment would be broken and the Army must in effect be disbanded, the consequences of which would be so disastrous as to demand all possible efforts to avert the calamity.

It is not merely that the officers and enlisted men of the Army are to be thus deprived of the pay and emoluments to which they are entitled by standing laws; that the construction of arms at the public armories, the repair and construction of ordnance at the arsenals, and the manufacture of military clothing and camp equipage must be discontinued, and the persons connected with this branch of the public service thus be deprived suddenly of the employment essential to their subsistence; nor is it merely the waste consequent on the forced abandonment of the seaboard fortifications and of the interior military posts and other establishments, and the enormous expense of recruiting and reorganizing the Army and again distributing it over the vast regions which it now occupies. These are evils which may, it is true, be repaired hereafter by taxes imposed on the country; but other evils are involved, which no expenditures, however lavish, could remedy, in comparison with which local and personal injuries or interests sink into insignificance.

A great part of the Army is situated on the remote frontier or in the deserts and mountains of the interior. To discharge large bodies of men in such places without the means of regaining their homes, and where few, if any, could obtain subsistence by honest industry, would be to subject them to suffering and temptation, with disregard of justice and right most derogatory to the Government.

In the Territories of Washington and Oregon numerous bands of Indians are in arms and are waging a war of extermination against the white inhabitants; and although our troops are actively carrying on the campaign, we have no intelligence as yet of a successful result. On the Western plains, notwithstanding the imposing display of military force recently made there and the chastisement inflicted on the rebellious tribes, others, far from being dismayed, have manifested hostile intentions and been guilty of outrages which, if not designed to provoke a conflict, serve to show that the apprehension of it is insufficient wholly to restrain

their vicious propensities. A strong force in the State of Texas has produced a temporary suspension of hostilities there, but in New Mexico incessant activity on the part of the troops is required to keep in check the marauding tribes which infest that Territory. The hostile Indians have not been removed from the State of Florida, and the withdrawal of the troops therefrom, leaving that object unaccomplished, would be most injurious to the inhabitants and a breach of the positive engagement of the General Government.

To refuse supplies to the Army, therefore, is to compel the complete cessation of all its operations and its practical disbandment, and thus to invite hordes of predatory savages from the Western plains and the Rocky Mountains to spread devastation along a frontier of more than 4,000 miles in extent and to deliver up the sparse population of a vast tract of country to rapine and murder.

Such, in substance, would be the direct and immediate effects of the refusal of Congress, for the first time in the history of the Government, to grant supplies for the maintenance of the Army—the inevitable waste of millions of public treasure; the infliction of extreme wrong upon all persons connected with the military establishment by service, employment, or contracts; the recall of our forces from the field; the fearful sacrifice of life and incalculable destruction of property on the remote frontiers; the striking of our national flag on the battlements of the fortresses which defend our maritime cities against foreign invasion; the violation of the public honor and good faith, and the discredit of the United States in the eyes of the civilized world.

I confidently trust that these considerations, and others appertaining to the domestic peace of the country which can not fail to suggest themselves to every patriotic mind, will on reflection be duly appreciated by both Houses of Congress and induce the enactment of the requisite provisions of law for the support of the Army of the United States.

FRANKLIN PIERCE.

SPECIAL MESSAGE.

EXECUTIVE OFFICE,
Washington, August 21, 1856.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of War, in relation to the balances remaining in the Treasury from the last appropriation for the support of the Army.

FRANKLIN PIERCE.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 2, 1856.*

Fellow-Citizens of the Senate and of the House of Representatives:

The Constitution requires that the President shall from time to time not only recommend to the consideration of Congress such measures as he may judge necessary and expedient, but also that he shall give information to them of the state of the Union. To do this fully involves exposition of all matters in the actual condition of the country, domestic or foreign, which essentially concern the general welfare. While performing his constitutional duty in this respect, the President does not speak merely to express personal convictions, but as the executive minister of the Government, enabled by his position and called upon by his official obligations to scan with an impartial eye the interests of the whole and of every part of the United States.

Of the condition of the domestic interests of the Union—its agriculture, mines, manufactures, navigation, and commerce—it is necessary only to say that the internal prosperity of the country, its continuous and steady advancement in wealth and population and in private as well as public well-being, attest the wisdom of our institutions and the predominant spirit of intelligence and patriotism which, notwithstanding occasional irregularities of opinion or action resulting from popular freedom, has distinguished and characterized the people of America.

In the brief interval between the termination of the last and the commencement of the present session of Congress the public mind has been occupied with the care of selecting for another constitutional term the President and Vice-President of the United States.

The determination of the persons who are of right, or contingently, to preside over the administration of the Government is under our system committed to the States and the people. We appeal to them, by their voice pronounced in the forms of law, to call whomsoever they will to the high post of Chief Magistrate.

And thus it is that as the Senators represent the respective States of the Union and the members of the House of Representatives the several constituencies of each State, so the President represents the aggregate population of the United States. Their election of him is the explicit and solemn act of the sole sovereign authority of the Union.

It is impossible to misapprehend the great principles which by their recent political action the people of the United States have sanctioned and announced.

They have asserted the constitutional equality of each and all of the States of the Union as States; they have affirmed the constitutional

equality of each and all of the citizens of the United States as citizens, whatever their religion, wherever their birth or their residence; they have maintained the inviolability of the constitutional rights of the different sections of the Union, and they have proclaimed their devoted and unalterable attachment to the Union and to the Constitution, as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and the essence of the liberty, peace, and greatness of the Republic.

In doing this they have at the same time emphatically condemned the idea of organizing in these United States mere geographical parties, of marshaling in hostile array toward each other the different parts of the country, North or South, East or West.

Schemes of this nature, fraught with incalculable mischief, and which the considerate sense of the people has rejected, could have had countenance in no part of the country had they not been disguised by suggestions plausible in appearance, acting upon an excited state of the public mind, induced by causes temporary in their character and, it is to be hoped, transient in their influence.

Perfect liberty of association for political objects and the widest scope of discussion are the received and ordinary conditions of government in our country. Our institutions, framed in the spirit of confidence in the intelligence and integrity of the people, do not forbid citizens, either individually or associated together, to attack by writing, speech, or any other methods short of physical force the Constitution and the very existence of the Union. Under the shelter of this great liberty, and protected by the laws and usages of the Government they assail, associations have been formed in some of the States of individuals who, pretending to seek only to prevent the spread of the institution of slavery into the present or future inchoate States of the Union, are really inflamed with desire to change the domestic institutions of existing States. To accomplish their objects they dedicate themselves to the odious task of depreciating the government organization which stands in their way and of calumniating with indiscriminate invective not only the citizens of particular States with whose laws they find fault, but all others of their fellow-citizens throughout the country who do not participate with them in their assaults upon the Constitution, framed and adopted by our fathers, and claiming for the privileges it has secured and the blessings it has conferred the steady support and grateful reverence of their children. They seek an object which they well know to be a revolutionary one. They are perfectly aware that the change in the relative condition of the white and black races in the slaveholding States which they would promote is beyond their lawful authority; that to them it is a foreign object; that it can not be effected by any peaceful instrumentality of theirs; that for them and the States of which they are citizens the only path to its accomplishment is through burning cities, and ravaged fields,

and slaughtered populations, and all there is most terrible in foreign complicated with civil and servile war; and that the first step in the attempt is the forcible disruption of a country embracing in its broad bosom a degree of liberty and an amount of individual and public prosperity to which there is no parallel in history, and substituting in its place hostile governments, driven at once and inevitably into mutual devastation and fratricidal carnage, transforming the now peaceful and felicitous brotherhood into a vast permanent camp of armed men like the rival monarchies of Europe and Asia. Well knowing that such, and such only, are the means and the consequences of their plans and purposes, they endeavor to prepare the people of the United States for civil war by doing everything in their power to deprive the Constitution and the laws of moral authority and to undermine the fabric of the Union by appeals to passion and sectional prejudice, by indoctrinating its people with reciprocal hatred, and by educating them to stand face to face as enemies, rather than shoulder to shoulder as friends.

It is by the agency of such unwarrantable interference, foreign and domestic, that the minds of many otherwise good citizens have been so inflamed into the passionate condemnation of the domestic institutions of the Southern States as at length to pass insensibly to almost equally passionate hostility toward their fellow-citizens of those States, and thus finally to fall into temporary fellowship with the avowed and active enemies of the Constitution. Ardently attached to liberty in the abstract, they do not stop to consider practically how the objects they would attain can be accomplished, nor to reflect that, even if the evil were as great as they deem it, they have no remedy to apply, and that it can be only aggravated by their violence and unconstitutional action. A question which is one of the most difficult of all the problems of social institution, political economy, and statesmanship they treat with unreasoning intemperance of thought and language. Extremes beget extremes. Violent attack from the North finds its inevitable consequence in the growth of a spirit of angry defiance at the South. Thus in the progress of events we had reached that consummation, which the voice of the people has now so pointedly rebuked, of the attempt of a portion of the States, by a sectional organization and movement, to usurp the control of the Government of the United States.

I confidently believe that the great body of those who inconsiderately took this fatal step are sincerely attached to the Constitution and the Union. They would upon deliberation shrink with unaffected horror from any conscious act of disunion or civil war. But they have entered into a path which leads nowhere unless it be to civil war and disunion, and which has no other possible outlet. They have proceeded thus far in that direction in consequence of the successive stages of their progress having consisted of a series of secondary issues, each of which professed to be confined within constitutional and peaceful limits, but which attempted

indirectly what few men were willing to do directly; that is, to act aggressively against the constitutional rights of nearly one-half of the thirty-one States.

In the long series of acts of indirect aggression, the first was the strenuous agitation by citizens of the Northern States, in Congress and out of it, of the question of negro emancipation in the Southern States.

The second step in this path of evil consisted of acts of the people of the Northern States, and in several instances of their governments, aimed to facilitate the escape of persons held to service in the Southern States and to prevent their extradition when reclaimed according to law and in virtue of express provisions of the Constitution. To promote this object, legislative enactments and other means were adopted to take away or defeat rights which the Constitution solemnly guaranteed. In order to nullify the then existing act of Congress concerning the extradition of fugitives from service, laws were enacted in many States forbidding their officers, under the severest penalties, to participate in the execution of any act of Congress whatever. In this way that system of harmonious cooperation between the authorities of the United States and of the several States, for the maintenance of their common institutions, which existed in the early years of the Republic was destroyed; conflicts of jurisdiction came to be frequent, and Congress found itself compelled, for the support of the Constitution and the vindication of its power, to authorize the appointment of new officers charged with the execution of its acts, as if they and the officers of the States were the ministers, respectively, of foreign governments in a state of mutual hostility rather than fellow-magistrates of a common country peacefully subsisting under the protection of one well-constituted Union. Thus here also aggression was followed by reaction, and the attacks upon the Constitution at this point did but serve to raise up new barriers for its defense and security.

The third stage of this unhappy sectional controversy was in connection with the organization of Territorial governments and the admission of new States into the Union. When it was proposed to admit the State of Maine, by separation of territory from that of Massachusetts, and the State of Missouri, formed of a portion of the territory ceded by France to the United States, representatives in Congress objected to the admission of the latter unless with conditions suited to particular views of public policy. The imposition of such a condition was successfully resisted; but at the same period the question was presented of imposing restrictions upon the residue of the territory ceded by France. That question was for the time disposed of by the adoption of a geographical line of limitation.

In this connection it should not be forgotten that when France, of her own accord, resolved, for considerations of the most far-sighted sagacity, to cede Louisiana to the United States, and that accession was accepted by the United States, the latter expressly engaged that "the inhabitants of the ceded territory shall be incorporated in the Union of the United

States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their *liberty*, *property*, and the religion which they profess;" that is to say, while it remains in a Territorial condition its inhabitants are maintained and protected in the free enjoyment of their liberty and property, with a right then to pass into the condition of States on a footing of perfect equality with the original States.

The enactment which established the restrictive geographical line was acquiesced in rather than approved by the States of the Union. It stood on the statute book, however, for a number of years; and the people of the respective States acquiesced in the reenactment of the principle as applied to the State of Texas, and it was proposed to acquiesce in its further application to the territory acquired by the United States from Mexico. But this proposition was successfully resisted by the representatives from the Northern States, who, regardless of the statute line, insisted upon applying restriction to the new territory generally, whether lying north or south of it, thereby repealing it as a legislative compromise, and, on the part of the North, persistently violating the compact, if compact there was.

Thereupon this enactment ceased to have binding virtue in any sense, whether as respects the North or the South, and so in effect it was treated on the occasion of the admission of the State of California and the organization of the Territories of New Mexico, Utah, and Washington.

Such was the state of this question when the time arrived for the organization of the Territories of Kansas and Nebraska. In the progress of constitutional inquiry and reflection it had now at length come to be seen clearly that Congress does not possess constitutional power to impose restrictions of this character upon any present or future State of the Union. In a long series of decisions, on the fullest argument and after the most deliberate consideration, the Supreme Court of the United States had finally determined this point in every form under which the question could arise, whether as affecting public or private rights—in questions of the public domain, of religion, of navigation, and of servitude.

The several States of the Union are by force of the Constitution coequal in domestic legislative power. Congress can not change a law of domestic relation in the State of Maine; no more can it in the State of Missouri. Any statute which proposes to do this is a mere nullity; it takes away no right, it confers none. If it remains on the statute book unrepealed, it remains there only as a monument of error and a beacon of warning to the legislator and the statesman. To repeal it will be only to remove imperfection from the statutes, without affecting, either in the sense of permission or of prohibition, the action of the States or of their citizens.

Still when the nominal restriction of this nature, already a dead letter in law, was in terms repealed by the last Congress, in a clause of the act organizing the Territories of Kansas and Nebraska, that repeal was made the occasion of a widespread and dangerous agitation.

It was alleged that the original enactment being a compact of perpetual moral obligation, its repeal constituted an odious breach of faith.

An act of Congress, while it remains unrepealed, more especially if it be constitutionally valid in the judgment of those public functionaries whose duty it is to pronounce on that point, is undoubtedly binding on the conscience of each good citizen of the Republic. But in what sense can it be asserted that the enactment in question was invested with perpetuity and entitled to the respect of a solemn compact? Between whom was the compact? No distinct contending powers of the Government, no separate sections of the Union treating as such, entered into treaty stipulations on the subject. It was a mere clause of an act of Congress, and, like any other controverted matter of legislation, received its final shape and was passed by compromise of the conflicting opinions or sentiments of the members of Congress. But if it had moral authority over men's consciences, to whom did this authority attach? Not to those of the North, who had repeatedly refused to confirm it by extension and who had zealously striven to establish other and incompatible regulations upon the subject. And if, as it thus appears, the supposed compact had no obligatory force as to the North, of course it could not have had any as to the South, for all such compacts must be mutual and of reciprocal obligation.

It has not unfrequently happened that lawgivers, with undue estimation of the value of the law they give or in the view of imparting to it peculiar strength, make it perpetual in terms; but they can not thus bind the conscience, the judgment, and the will of those who may succeed them, invested with similar responsibilities and clothed with equal authority. More careful investigation may prove the law to be unsound in principle. Experience may show it to be imperfect in detail and impracticable in execution. And then both reason and right combine not merely to justify but to require its repeal.

The Constitution, supreme, as it is, over all the departments of the Government—legislative, executive, and judicial—is open to amendment by its very terms; and Congress or the States may, in their discretion, propose amendment to it, solemn compact though it in truth is between the sovereign States of the Union. In the present instance a political enactment which had ceased to have legal power or authority of any kind was repealed. The position assumed that Congress had no moral right to enact such repeal was strange enough, and singularly so in view of the fact that the argument came from those who openly refused obedience to existing laws of the land, having the same popular designation and quality as compromise acts; nay, more, who unequivocally disre-

garded and condemned the most positive and obligatory injunctions of the Constitution itself, and sought by every means within their reach to deprive a portion of their fellow-citizens of the equal enjoyment of those rights and privileges guaranteed alike to all by the fundamental compact of our Union.

This argument against the repeal of the statute line in question was accompanied by another of congenial character and equally with the former destitute of foundation in reason and truth. It was imputed that the measure originated in the conception of extending the limits of slave labor beyond those previously assigned to it, and that such was its natural as well as intended effect; and these baseless assumptions were made, in the Northern States, the ground of unceasing assault upon constitutional right.

The repeal in terms of a statute, which was already obsolete and also null for unconstitutionality, could have no influence to obstruct or to promote the propagation of conflicting views of political or social institution. When the act organizing the Territories of Kansas and Nebraska was passed, the inherent effect upon that portion of the public domain thus opened to legal settlement was to admit settlers from all the States of the Union alike, each with his convictions of public policy and private interest, there to found, in their discretion, subject to such limitations as the Constitution and acts of Congress might prescribe, new States, hereafter to be admitted into the Union. It was a free field, open alike to all, whether the statute line of assumed restriction were repealed or not. That repeal did not open to free competition of the diverse opinions and domestic institutions a field which without such repeal would have been closed against them; it found that field of competition already opened, in fact and in law. All the repeal did was to relieve the statute book of an objectionable enactment, unconstitutional in effect and injurious in terms to a large portion of the States.

Is it the fact that in all the unsettled regions of the United States, if emigration be left free to act in this respect for itself, without legal prohibitions on either side, slave labor will spontaneously go everywhere in preference to free labor? Is it the fact that the peculiar domestic institutions of the Southern States possess relatively so much of vigor that wheresoever an avenue is freely opened to all the world they will penetrate to the exclusion of those of the Northern States? Is it the fact that the former enjoy, compared with the latter, such irresistibly superior vitality, independent of climate, soil, and all other accidental circumstances, as to be able to produce the supposed result in spite of the assumed moral and natural obstacles to its accomplishment and of the more numerous population of the Northern States?

The argument of those who advocate the enactment of new laws of restriction and condemn the repeal of old ones in effect avers that their particular views of government have no self-extending or self-sustaining

power of their own, and will go nowhere unless forced by act of Congress. And if Congress do but pause for a moment in the policy of stern coercion; if it venture to try the experiment of leaving men to judge for themselves what institutions will best suit them; if it be not strained up to perpetual legislative exertion on this point—if Congress proceed thus to act in the very spirit of liberty, it is at once charged with aiming to extend slave labor into all the new Territories of the United States.

Of course these imputations on the intentions of Congress in this respect, conceived, as they were, in prejudice and disseminated in passion, are utterly destitute of any justification in the nature of things and contrary to all the fundamental doctrines and principles of civil liberty and self-government.

While, therefore, in general, the people of the Northern States have never at any time arrogated for the Federal Government the power to interfere directly with the domestic condition of persons in the Southern States, but, on the contrary, have disavowed all such intentions and have shrunk from conspicuous affiliation with those few who pursue their fanatical objects avowedly through the contemplated means of revolutionary change of the Government and with acceptance of the necessary consequences—a civil and servile war—yet many citizens have suffered themselves to be drawn into one evanescent political issue of agitation after another, appertaining to the same set of opinions, and which subsided as rapidly as they arose when it came to be seen, as it uniformly did, that they were incompatible with the compacts of the Constitution and the existence of the Union. Thus when the acts of some of the States to nullify the existing extradition law imposed upon Congress the duty of passing a new one, the country was invited by agitators to enter into party organization for its repeal; but that agitation speedily ceased by reason of the impracticability of its object. So when the statute restriction upon the institutions of new States by a geographical line had been repealed, the country was urged to demand its restoration, and that project also died almost with its birth. Then followed the cry of alarm from the North against imputed Southern encroachments, which cry sprang in reality from the spirit of revolutionary attack on the domestic institutions of the South, and, after a troubled existence of a few months, has been rebuked by the voice of a patriotic people.

Of this last agitation, one lamentable feature was that it was carried on at the immediate expense of the peace and happiness of the people of the Territory of Kansas. That was made the battlefield, not so much of opposing factions or interests within itself as of the conflicting passions of the whole people of the United States. Revolutionary disorder in Kansas had its origin in projects of intervention deliberately arranged by certain members of that Congress which enacted the law for the organization of the Territory; and when propagandist colonization of Kansas had thus

been undertaken in one section of the Union for the systematic promotion of its peculiar views of policy there ensued as a matter of course a counteraction with opposite views in other sections of the Union.

In consequence of these and other incidents, many acts of disorder, it is undeniable, have been perpetrated in Kansas, to the occasional interruption rather than the permanent suspension of regular government. Aggressive and most reprehensible incursions into the Territory were undertaken both in the North and the South, and entered it on its northern border by the way of Iowa, as well as on the eastern by way of Missouri; and there has existed within it a state of insurrection against the constituted authorities, not without countenance from inconsiderate persons in each of the great sections of the Union. But the difficulties in that Territory have been extravagantly exaggerated for purposes of political agitation elsewhere. The number and gravity of the acts of violence have been magnified partly by statements entirely untrue and partly by reiterated accounts of the same rumors or facts. Thus the Territory has been seemingly filled with extreme violence, when the whole amount of such acts has not been greater than what occasionally passes before us in single cities to the regret of all good citizens, but without being regarded as of general or permanent political consequence.

Imputed irregularities in the elections had in Kansas, like occasional irregularities of the same description in the States, were beyond the sphere of action of the Executive. But incidents of actual violence or of organized obstruction of law, pertinaciously renewed from time to time, have been met as they occurred by such means as were available and as the circumstances required, and nothing of this character now remains to affect the general peace of the Union. The attempt of a part of the inhabitants of the Territory to erect a revolutionary government, though sedulously encouraged and supplied with pecuniary aid from active agents of disorder in some of the States, has completely failed. Bodies of armed men, foreign to the Territory, have been prevented from entering or compelled to leave it; predatory bands, engaged in acts of rapine under cover of the existing political disturbances, have been arrested or dispersed, and every well-disposed person is now enabled once more to devote himself in peace to the pursuits of prosperous industry, for the prosecution of which he undertook to participate in the settlement of the Territory.

It affords me unmingled satisfaction thus to announce the peaceful condition of things in Kansas, especially considering the means to which it was necessary to have recourse for the attainment of the end, namely, the employment of a part of the military force of the United States. The withdrawal of that force from its proper duty of defending the country against foreign foes or the savages of the frontier to employ it for the suppression of domestic insurrection is, when the exigency occurs, a matter of the most earnest solicitude. On this occasion of

imperative necessity it has been done with the best results, and my satisfaction in the attainment of such results by such means is greatly enhanced by the consideration that, through the wisdom and energy of the present executive of Kansas and the prudence, firmness, and vigilance of the military officers on duty there tranquillity has been restored without one drop of blood having been shed in its accomplishment by the forces of the United States.

The restoration of comparative tranquillity in that Territory furnishes the means of observing calmly and appreciating at their just value the events which have occurred there and the discussions of which the government of the Territory has been the subject.

We perceive that controversy concerning its future domestic institutions was inevitable; that no human prudence, no form of legislation, no wisdom on the part of Congress, could have prevented it.

It is idle to suppose that the particular provisions of their organic law were the cause of agitation. Those provisions were but the occasion, or the pretext, of an agitation which was inherent in the nature of things. Congress legislated upon the subject in such terms as were most consonant with the principle of popular sovereignty which underlies our Government. It could not have legislated otherwise without doing violence to another great principle of our institutions—the imprescriptible right of equality of the several States.

We perceive also that sectional interests and party passions have been the great impediment to the salutary operation of the organic principles adopted and the chief cause of the successive disturbances in Kansas. The assumption that because in the organization of the Territories of Nebraska and Kansas Congress abstained from imposing restraints upon them to which certain other Territories had been subject, therefore disorders occurred in the latter Territory, is emphatically contradicted by the fact that none have occurred in the former. Those disorders were not the consequence, in Kansas, of the freedom of self-government conceded to that Territory by Congress, but of unjust interference on the part of persons not inhabitants of the Territory. Such interference, wherever it has exhibited itself by acts of insurrectionary character or of obstruction to process of law, has been repelled or suppressed by all the means which the Constitution and the laws place in the hands of the Executive.

In those parts of the United States where, by reason of the inflamed state of the public mind, false rumors and misrepresentations have the greatest currency it has been assumed that it was the duty of the Executive not only to suppress insurrectionary movements in Kansas, but also to see to the regularity of local elections. It needs little argument to show that the President has no such power. All government in the United States rests substantially upon popular election. The freedom of elections is liable to be impaired by the intrusion of unlawful votes

or the exclusion of lawful ones, by improper influences, by violence, or by fraud. But the people of the United States are themselves the all-sufficient guardians of their own rights, and to suppose that they will not remedy in due season any such incidents of civil freedom is to suppose them to have ceased to be capable of self-government. The President of the United States has not power to interpose in elections, to see to their freedom, to canvass their votes, or to pass upon their legality in the Territories any more than in the States. If he had such power the Government might be republican in form, but it would be a monarchy in fact; and if he had undertaken to exercise it in the case of Kansas he would have been justly subject to the charge of usurpation and of violation of the dearest rights of the people of the United States.

Unwise laws, equally with irregularities at elections, are in periods of great excitement the occasional incidents of even the freest and best political institutions; but all experience demonstrates that in a country like ours, where the right of self-constitution exists in the completest form, the attempt to remedy unwise legislation by resort to revolution is totally out of place, inasmuch as existing legal institutions afford more prompt and efficacious means for the redress of wrong.

I confidently trust that now, when the peaceful condition of Kansas affords opportunity for calm reflection and wise legislation, either the legislative assembly of the Territory or Congress will see that no act shall remain on its statute book violative of the provisions of the Constitution or subversive of the great objects for which that was ordained and established, and will take all other necessary steps to assure to its inhabitants the enjoyment, without obstruction or abridgment, of all the constitutional rights, privileges, and immunities of citizens of the United States, as contemplated by the organic law of the Territory.

Full information in relation to recent events in this Territory will be found in the documents communicated herewith from the Departments of State and War.

I refer you to the report of the Secretary of the Treasury for particular information concerning the financial condition of the Government and the various branches of the public service connected with the Treasury Department.

During the last fiscal year the receipts from customs were for the first time more than $64,000,000, and from all sources $73,918,141, which, with the balance on hand up to the 1st of July, 1855, made the total resources of the year amount to $92,850,117. The expenditures, including $3,000,000 in execution of the treaty with Mexico and excluding sums paid on account of the public debt, amounted to $60,172,401, and including the latter to $72,948,792, the payment on this account having amounted to $12,776,391.

On the 4th of March, 1853, the amount of the public debt was $69,329,937. There was a subsequent increase of $2,750,000 for the debt of

Texas, making a total of $71,879,937. Of this the sum of $45,525,319, including premium, has been discharged, reducing the debt to $30,963,909, all which might be paid within a year without embarrassing the public service, but being not yet due and only redeemable at the option of the holder, can not be pressed to payment by the Government.

On examining the expenditures of the last five years it will be seen that the average, deducting payments on account of the public debt and $10,000,000 paid by treaty to Mexico, has been but about $48,000,000. It is believed that under an economical administration of the Government the average expenditure for the ensuing five years will not exceed that sum, unless extraordinary occasion for its increase should occur. The acts granting bounty lands will soon have been executed, while the extension of our frontier settlements will cause a continued demand for lands and augmented receipts, probably, from that source. These considerations will justify a reduction of the revenue from customs so as not to exceed forty-eight or fifty million dollars. I think the exigency for such reduction is imperative, and again urge it upon the consideration of Congress.

The amount of reduction, as well as the manner of effecting it, are questions of great and general interest, it being essential to industrial enterprise and the public prosperity, as well as the dictate of obvious justice, that the burden of taxation be made to rest as equally as possible upon all classes and all sections and interests of the country.

I have heretofore recommended to your consideration the revision of the revenue laws, prepared under the direction of the Secretary of the Treasury, and also legislation upon some special questions affecting the business of that Department, more especially the enactment of a law to punish the abstraction of official books or papers from the files of the Government and requiring all such books and papers and all other public property to be turned over by the outgoing officer to his successor; of a law requiring disbursing officers to deposit all public money in the vaults of the Treasury or in other legal depositories, where the same are conveniently accessible, and a law to extend existing penal provisions to all persons who may become possessed of public money by deposit or otherwise and who shall refuse or neglect on due demand to pay the same into the Treasury. I invite your attention anew to each of these objects.

The Army during the past year has been so constantly employed against hostile Indians in various quarters that it can scarcely be said, with propriety of language, to have been a peace establishment. Its duties have been satisfactorily performed, and we have reason to expect as a result of the year's operations greater security to the frontier inhabitants than has been hitherto enjoyed. Extensive combinations among the hostile Indians of the Territories of Washington and Oregon at one time threatened the devastation of the newly formed settlements of that

remote portion of the country. From recent information we are permitted to hope that the energetic and successful operations conducted there will prevent such combinations in future and secure to those Territories an opportunity to make steady progress in the development of their agricultural and mineral resources.

Legislation has been recommended by me on previous occasions to cure defects in the existing organization and to increase the efficiency of the Army, and further observation has but served to confirm me in the views then expressed and to enforce on my mind the conviction that such measures are not only proper, but necessary.

I have, in addition, to invite the attention of Congress to a change of policy in the distribution of troops and to the necessity of providing a more rapid increase of the military armament. For details of these and other subjects relating to the Army I refer to the report of the Secretary of War.

The condition of the Navy is not merely satisfactory, but exhibits the most gratifying evidences of increased vigor. As it is comparatively small, it is more important that it should be as complete as possible in all the elements of strength; that it should be efficient in the character of its officers, in the zeal and discipline of its men, in the reliability of its ordnance, and in the capacity of its ships. In all these various qualities the Navy has made great progress within the last few years. The execution of the law of Congress of February 28, 1855, "to promote the efficiency of the Navy," has been attended by the most advantageous results. The law for promoting discipline among the men is found convenient and salutary. The system of granting an honorable discharge to faithful seamen on the expiration of the period of their enlistment and permitting them to reenlist after a leave of absence of a few months without cessation of pay is highly beneficial in its influence. The apprentice system recently adopted is evidently destined to incorporate into the service a large number of our countrymen, hitherto so difficult to procure. Several hundred American boys are now on a three years' cruise in our national vessels and will return well-trained seamen. In the Ordnance Department there is a decided and gratifying indication of progress, creditable to it and to the country. The suggestions of the Secretary of the Navy in regard to further improvement in that branch of the service I commend to your favorable action.

The new frigates ordered by Congress are now afloat and two of them in active service. They are superior models of naval architecture, and with their formidable battery add largely to public strength and security. I concur in the views expressed by the Secretary of the Department in favor of a still further increase of our naval force.

The report of the Secretary of the Interior presents facts and views in relation to internal affairs over which the supervision of his Department extends of much interest and importance.

The aggregate sales of the public lands during the last fiscal year amount to 9,227,878 acres, for which has been received the sum of $8,821,414. During the same period there have been located with military scrip and land warrants and for other purposes 30,100,230 acres, thus making a total aggregate of 39,328,108 acres. On the 30th of September last surveys had been made of 16,873,699 acres, a large proportion of which is ready for market.

The suggestions in this report in regard to the complication and progressive expansion of the business of the different bureaus of the Department, to the pension system, to the colonization of Indian tribes, and the recommendations in relation to various improvements in the District of Columbia are especially commended to your consideration.

The report of the Postmaster-General presents fully the condition of that Department of the Government. Its expenditures for the last fiscal year were $10,407,868 and its gross receipts $7,620,801, making an excess of expenditure over receipts of $2,787,046. The deficiency of this Department is thus $744,000 greater than for the year ending June 30, 1853. Of this deficiency $330,000 is to be attributed to the additional compensation allowed to postmasters by the act of Congress of June 22, 1854. The mail facilities in every part of the country have been very much increased in that period, and the large addition of railroad service, amounting to 7,908 miles, has added largely to the cost of transportation.

The inconsiderable augmentation of the income of the Post-Office Department under the reduced rates of postage and its increasing expenditures must for the present make it dependent to some extent upon the Treasury for support. The recommendations of the Postmaster-General in relation to the abolition of the franking privilege and his views on the establishment of mail steamship lines deserve the consideration of Congress. I also call the special attention of Congress to the statement of the Postmaster-General respecting the sums now paid for the transportation of mails to the Panama Railroad Company, and commend to their early and favorable consideration the suggestions of that officer in relation to new contracts for mail transportation upon that route, and also upon the Tehuantepec and Nicaragua routes.

The United States continue in the enjoyment of amicable relations with all foreign powers.

When my last annual message was transmitted to Congress two subjects of controversy, one relating to the enlistment of soldiers in this country for foreign service and the other to Central America, threatened to disturb the good understanding between the United States and Great Britain. Of the progress and termination of the former question you were informed at the time, and the other is now in the way of satisfactory adjustment.

The object of the convention between the United States and Great Britain of the 19th of April, 1850, was to secure for the benefit of all

nations the neutrality and the common use of any transit way or interoceanic communication across the Isthmus of Panama which might be opened within the limits of Central America. The pretensions subsequently asserted by Great Britain to dominion or control over territories in or near two of the routes, those of Nicaragua and Honduras, were deemed by the United States not merely incompatible with the main object of the treaty, but opposed even to its express stipulations. Occasion of controversy on this point has been removed by an additional treaty, which our minister at London has concluded, and which will be immediately submitted to the Senate for its consideration. Should the proposed supplemental arrangement be concurred in by all the parties to be affected by it, the objects contemplated by the original convention will have been fully attained.

The treaty between the United States and Great Britain of the 5th of June, 1854, which went into effective operation in 1855, put an end to causes of irritation between the two countries, by securing to the United States the right of fishery on the coast of the British North American Provinces, with advantages equal to those enjoyed by British subjects. Besides the signal benefits of this treaty to a large class of our citizens engaged in a pursuit connected to no inconsiderable degree with our national prosperity and strength, it has had a favorable effect upon other interests in the provision it made for reciprocal freedom of trade between the United States and the British Provinces in America.

The exports of domestic articles to those Provinces during the last year amounted to more than $22,000,000, exceeding those of the preceding year by nearly $7,000,000; and the imports therefrom during the same period amounted to more than twenty-one million, an increase of six million upon those of the previous year.

The improved condition of this branch of our commerce is mainly attributable to the above-mentioned treaty.

Provision was made in the first article of that treaty for a commission to designate the mouths of rivers to which the common right of fishery on the coast of the United States and the British Provinces was not to extend. This commission has been employed a part of two seasons, but without much progress in accomplishing the object for which it was instituted, in consequence of a serious difference of opinion between the commissioners, not only as to the precise point where the rivers terminate, but in many instances as to what constitutes a river. These difficulties, however, may be overcome by resort to the umpirage provided for by the treaty.

The efforts perseveringly prosecuted since the commencement of my Administration to relieve our trade to the Baltic from the exaction of Sound dues by Denmark have not yet been attended with success. Other governments have also sought to obtain a like relief to their commerce, and Denmark was thus induced to propose an arrangement to all the

European powers interested in the subject, and the manner in which her proposition was received warranting her to believe that a satisfactory arrangement with them could soon be concluded, she made a strong appeal to this Government for temporary suspension of definite action on its part, in consideration of the embarrassment which might result to her European negotiations by an immediate adjustment of the question with the United States. This request has been acceded to upon the condition that the sums collected after the 16th of June last and until the 16th of June next from vessels and cargoes belonging to our merchants are to be considered as paid under protest and subject to future adjustment. There is reason to believe that an arrangement between Denmark and the maritime powers of Europe on the subject will be soon concluded, and that the pending negotiation with the United States may then be resumed and terminated in a satisfactory manner.

With Spain no new difficulties have arisen, nor has much progress been made in the adjustment of pending ones.

Negotiations entered into for the purpose of relieving our commercial intercourse with the island of Cuba of some of its burdens and providing for the more speedy settlement of local disputes growing out of that intercourse have not yet been attended with any results.

Soon after the commencement of the late war in Europe this Government submitted to the consideration of all maritime nations two principles for the security of neutral commerce—one that the neutral flag should cover enemies' goods, except articles contraband of war, and the other that neutral property on board merchant vessels of belligerents should be exempt from condemnation, with the exception of contraband articles. These were not presented as new rules of international law, having been generally claimed by neutrals, though not always admitted by belligerents. One of the parties to the war (Russia), as well as several neutral powers, promptly acceded to these propositions, and the two other principal belligerents (Great Britain and France) having consented to observe them for the present occasion, a favorable opportunity seemed to be presented for obtaining a general recognition of them, both in Europe and America.

But Great Britain and France, in common with most of the States of Europe, while forbearing to reject, did not affirmatively act upon the overtures of the United States.

While the question was in this position the representatives of Russia, France, Great Britain, Austria, Prussia, Sardinia, and Turkey, assembled at Paris, took into consideration the subject of maritime rights, and put forth a declaration containing the two principles which this Government had submitted nearly two years before to the consideration of maritime powers, and adding thereto the following propositions: "Privateering is and remains abolished," and "Blockades in order to be binding must be effective; that is to say, maintained by a force sufficient really to prevent

access to the coast of the enemy;" and to the declaration thus composed of four points, two of which had already been proposed by the United States, this Government has been invited to accede by all the powers represented at Paris except Great Britain and Turkey. To the last of the two additional propositions—that in relation to blockades—there can certainly be no objection. It is merely the definition of what shall constitute the effectual investment of a blockaded place, a definition for which this Government has always contended, claiming indemnity for losses where a practical violation of the rule thus defined has been injurious to our commerce. As to the remaining article of the declaration of the conference of Paris, that "privateering is and remains abolished," I certainly can not ascribe to the powers represented in the conference of Paris any but liberal and philanthropic views in the attempt to change the unquestionable rule of maritime law in regard to privateering. Their proposition was doubtless intended to imply approval of the principle that private property upon the ocean, although it might belong to the citizens of a belligerent state, should be exempted from capture; and had that proposition been so framed as to give full effect to the principle, it would have received my ready assent on behalf of the United States. But the measure proposed is inadequate to that purpose. It is true that if adopted private property upon the ocean would be withdrawn from one mode of plunder, but left exposed meanwhile to another mode, which could be used with increased effectiveness. The aggressive capacity of great naval powers would be thereby augmented, while the defensive ability of others would be reduced. Though the surrender of the means of prosecuting hostilities by employing privateers, as proposed by the conference of Paris, is mutual in terms, yet in practical effect it would be the relinquishment of a right of little value to one class of states, but of essential importance to another and a far larger class. It ought not to have been anticipated that a measure so inadequate to the accomplishment of the proposed object and so unequal in its operation would receive the assent of all maritime powers. Private property would be still left to the depredations of the public armed cruisers.

I have expressed a readiness on the part of this Government to accede to all the principles contained in the declaration of the conference of Paris provided that the one relating to the abandonment of privateering can be so amended as to effect the object for which, as is presumed, it was intended—the immunity of private property on the ocean from hostile capture. To effect this object, it is proposed to add to the declaration that "privateering is and remains abolished" the following amendment:

> And that the private property of subjects and citizens of a belligerent on the high seas shall be exempt from seizure by the public armed vessels of the other belligerent, except it be contraband.

This amendment has been presented not only to the powers which

have asked our assent to the declaration to abolish privateering, but to all other maritime states. Thus far it has not been rejected by any, and is favorably entertained by all which have made any communication in reply.

Several of the governments regarding with favor the proposition of the United States have delayed definitive action upon it only for the purpose of consulting with others, parties to the conference of Paris. I have the satisfaction of stating, however, that the Emperor of Russia has entirely and explicitly approved of that modification and will cooperate in endeavoring to obtain the assent of other powers, and that assurances of a similar purport have been received in relation to the disposition of the Emperor of the French.

The present aspect of this important subject allows us to cherish the hope that a principle so humane in its character, so just and equal in its operation, so essential to the prosperity of commercial nations, and so consonant to the sentiments of this enlightened period of the world will command the approbation of all maritime powers, and thus be incorporated into the code of international law.

My views on the subject are more fully set forth in the reply of the Secretary of State, a copy of which is herewith transmitted, to the communications on the subject made to this Government, especially to the communication of France.

The Government of the United States has at all times regarded with friendly interest the other States of America, formerly, like this country, European colonies, and now independent members of the great family of nations. But the unsettled condition of some of them, distracted by frequent revolutions, and thus incapable of regular and firm internal administration, has tended to embarrass occasionally our public intercourse by reason of wrongs which our citizens suffer at their hands, and which they are slow to redress.

Unfortunately, it is against the Republic of Mexico, with which it is our special desire to maintain a good understanding, that such complaints are most numerous; and although earnestly urged upon its attention, they have not as yet received the consideration which this Government had a right to expect. While reparation for past injuries has been withheld, others have been added. The political condition of that country, however, has been such as to demand forbearance on the part of the United States. I shall continue my efforts to procure for the wrongs of our citizens that redress which is indispensable to the continued friendly association of the two Republics.

The peculiar condition of affairs in Nicaragua in the early part of the present year rendered it important that this Government should have diplomatic relations with that State. Through its territory had been opened one of the principal thoroughfares across the isthmus connecting North and South America, on which a vast amount of property was trans-

ported and to which our citizens resorted in great numbers in passing between the Atlantic and Pacific coasts of the United States. The protection of both required that the existing power in that State should be regarded as a responsible Government, and its minister was accordingly received. But he remained here only a short time. Soon thereafter the political affairs of Nicaragua underwent unfavorable change and became involved in much uncertainty and confusion. Diplomatic representatives from two contending parties have been recently sent to this Government, but with the imperfect information possessed it was not possible to decide which was the Government *de facto*, and, awaiting further developments, I have refused to receive either.

Questions of the most serious nature are pending between the United States and the Republic of New Granada. The Government of that Republic undertook a year since to impose tonnage duties on foreign vessels in her ports, but the purpose was resisted by this Government as being contrary to existing treaty stipulations with the United States and to rights conferred by charter upon the Panama Railroad Company, and was accordingly relinquished at that time, it being admitted that our vessels were entitled to be exempt from tonnage duty in the free ports of Panama and Aspinwall. But the purpose has been recently revived on the part of New Granada by the enactment of a law to subject vessels visiting her ports to the tonnage duty of 40 cents per ton, and although the law has not been put in force, yet the right to enforce it is still asserted and may at any time be acted on by the Government of that Republic.

The Congress of New Granada has also enacted a law during the last year which levies a tax of more than $3 on every pound of mail matter transported across the Isthmus. The sum thus required to be paid on the mails of the United States would be nearly $2,000,000 annually in addition to the large sum payable by contract to the Panama Railroad Company. If the only objection to this exaction were the exorbitancy of its amount, it could not be submitted to by the United States.

The imposition of it, however, would obviously contravene our treaty with New Granada and infringe the contract of that Republic with the Panama Railroad Company. The law providing for this tax was by its terms to take effect on the 1st of September last, but the local authorities on the Isthmus have been induced to suspend its execution and to await further instructions on the subject from the Government of the Republic. I am not yet advised of the determination of that Government. If a measure so extraordinary in its character and so clearly contrary to treaty stipulations and the contract rights of the Panama Railroad Company, composed mostly of American citizens, should be persisted in, it will be the duty of the United States to resist its execution.

I regret exceedingly that occasion exists to invite your attention to a subject of still graver import in our relations with the Republic of New

Granada. On the 15th day of April last a riotous assemblage of the inhabitants of Panama committed a violent and outrageous attack on the premises of the railroad company and the passengers and other persons in or near the same, involving the death of several citizens of the United States, the pillage of many others, and the destruction of a large amount of property belonging to the railroad company. I caused full investigation of that event to be made, and the result shows satisfactorily that complete responsibility for what occurred attaches to the Government of New Granada. I have therefore demanded of that Government that the perpetrators of the wrongs in question should be punished; that provision should be made for the families of citizens of the United States who were killed, with full indemnity for the property pillaged or destroyed.

The present condition of the Isthmus of Panama, in so far as regards the security of persons and property passing over it, requires serious consideration. Recent incidents tend to show that the local authorities can not be relied on to maintain the public peace of Panama, and there is just ground for apprehension that a portion of the inhabitants are meditating further outrages, without adequate measures for the security and protection of persons or property having been taken, either by the State of Panama or by the General Government of New Granada.

Under the guaranties of treaty, citizens of the United States have, by the outlay of several million dollars, constructed a railroad across the Isthmus, and it has become the main route between our Atlantic and Pacific possessions, over which multitudes of our citizens and a vast amount of property are constantly passing; to the security and protection of all which and the continuance of the public advantages involved it is impossible for the Government of the United States to be indifferent.

I have deemed the danger of the recurrence of scenes of lawless violence in this quarter so imminent as to make it my duty to station a part of our naval force in the harbors of Panama and Aspinwall, in order to protect the persons and property of the citizens of the United States in those ports and to insure to them safe passage across the Isthmus. And it would, in my judgment, be unwise to withdraw the naval force now in those ports until, by the spontaneous action of the Republic of New Granada or otherwise, some adequate arrangement shall have been made for the protection and security of a line of interoceanic communication, so important at this time not to the United States only, but to all other maritime states, both of Europe and America.

Meanwhile negotiations have been instituted, by means of a special commission, to obtain from New Granada full indemnity for injuries sustained by our citizens on the Isthmus and satisfactory security for the general interests of the United States.

In addressing to you my last annual message the occasion seems to me an appropriate one to express my congratulations, in view of the peace,

greatness, and felicity which the United States now possess and enjoy. To point you to the state of the various Departments of the Government and of all the great branches of the public service, civil and military, in order to speak of the intelligence and the integrity which pervades the whole, would be to indicate but imperfectly the administrative condition of the country and the beneficial effects of that on the general welfare. Nor would it suffice to say that the nation is actually at peace at home and abroad; that its industrial interests are prosperous; that the canvas of its mariners whitens every sea, and the plow of its husbandmen is marching steadily onward to the bloodless conquest of the continent; that cities and populous States are springing up, as if by enchantment, from the bosom of our Western wilds, and that the courageous energy of our people is making of these United States the great Republic of the world. These results have not been attained without passing through trials and perils, by experience of which, and thus only, nations can harden into manhood. Our forefathers were trained to the wisdom which conceived and the courage which achieved independence by the circumstances which surrounded them, and they were thus made capable of the creation of the Republic. It devolved on the next generation to consolidate the work of the Revolution, to deliver the country entirely from the influences of conflicting transatlantic partialities or antipathies which attached to our colonial and Revolutionary history, and to organize the practical operation of the constitutional and legal institutions of the Union. To us of this generation remains the not less noble task of maintaining and extending the national power. We have at length reached that stage of our country's career in which the dangers to be encountered and the exertions to be made are the incidents, not of weakness, but of strength. In foreign relations we have to attemper our power to the less happy condition of other Republics in America and to place ourselves in the calmness and conscious dignity of right by the side of the greatest and wealthiest of the Empires of Europe. In domestic relations we have to guard against the shock of the discontents, the ambitions, the interests, and the exuberant, and therefore sometimes irregular, impulses of opinion or of action which are the natural product of the present political elevation, the self-reliance, and the restless spirit of enterprise of the people of the United States.

I shall prepare to surrender the Executive trust to my successor and retire to private life with sentiments of profound gratitude to the good Providence which during the period of my Administration has vouchsafed to carry the country through many difficulties, domestic and foreign, and which enables me to contemplate the spectacle of amicable and respectful relations between ours and all other governments and the establishment of constitutional order and tranquillity throughout the Union.

FRANKLIN PIERCE.

SPECIAL MESSAGES.

WASHINGTON, *December 2, 1856.*

To the House of Representatives:

I transmit herewith a report* from the Secretary of State, in compliance with the resolution of the House of Representatives of the 7th of August last.

FRANKLIN PIERCE

WASHINGTON, *December 8, 1856.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and Siam, concluded at Bangkok on the 29th day of May last.

FRANKLIN PIERCE.

WASHINGTON, *December 10, 1856.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty for the settlement of the questions which have come into discussion between the United States and Great Britain relative to Central America, concluded and signed at London on the 17th day of October last between the United States and Great Britain.

FRANKLIN PIERCE.

WASHINGTON, *December 12, 1856.*

To the Senate and House of Representatives:

I transmit a copy of a letter of the 20th of May last from the commissioner of the United States in China, and of the decree and regulations† which accompanied it, for such revision thereof as Congress may deem expedient, pursuant to the sixth section of the act approved 11th August, 1848.

FRANKLIN PIERCE.

WASHINGTON, *December 15, 1856.*

To the Senate and House of Representatives:

I transmit to Congress an extract from a letter of the 22d ultimo from the governor of the Territory of Kansas to the Secretary of State, with a copy of the executive minutes‡ to which it refers. These documents have been received since the date of my message at the opening of the present session.

FRANKLIN PIERCE.

*Stating that the correspondence in the Department of State and of the Navy relative to Hamet Caramally had been transmitted to Congress.

† For judicial jurisdiction by acting consuls or vice-consuls of the United States in China.

‡ Containing a history of Kansas affairs.

RUSSIA
CHINA
JAPAN
4396 M.
3379 M.
MIDWAY ISL.
WAKE ISL.
PHILIPPINE ISL.
SAMOA
AUSTRALIA

CANADA
UNITED STATES
MEXICO
1400 M.
4711 M.
VIRGIN ISL.
PORTO RICO ISL.
VENEZUELA
GUIANA
CANAL ZONE
COLOMBIA
ECUADOR
BRAZIL
PERU
BOLIVIA
PARAGUAY
CHILE
ARGENTINA